

HOUSE JOURNAL  
OF THE  
SIXTY-EIGHTH LEGISLATURE  
OF THE  
STATE OF WASHINGTON  
AT  
OLYMPIA, THE STATE CAPITOL

2023 Regular Session  
Convened January 9, 2023  
Adjourned Sine Die April 24, 2023  
2023 Special Session  
Convened May 16, 2023  
Adjourned Sine Die May 16, 2023

VOLUME 1



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**Laurie Jenkins**, Speaker  
**Tina Orwall**, Speaker Pro Tempore  
**Bernard Dean**, Chief Clerk

Compiled and edited by Gary Holt, House Journal Clerk

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## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIRST DAY

House Chamber, Olympia, Monday, January 9, 2023

The House was called to order at 12:00 p.m. by Chief Clerk Bernard Dean for the 2023 Regular Session of the 68th Legislature.

The flags were escorted to the rostrum by the Washington State Patrol Honor Guard, Commanded by Sergeant James Maguire, and comprised of Sergeant William Rutherford, Trooper Brian Chase, Trooper Jeffery Eifert, and Trooper Michael Sessions. Chief Clerk Dean led the Chamber in the Pledge of Allegiance.

The National Anthem was sung by Representative Paul Harris, 17th Legislative District.

The prayer was offered by Pastor Gregory Christopher, Shiloh Baptist Church, Tacoma.

The Chief Clerk called upon Representative-elect Julio Cortes and Representative-elect Greg Cheney to escort Justice Raquel Montoya-Lewis of the Supreme Court of the State of Washington to the rostrum.

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

## MESSAGES FROM THE SECRETARY OF STATE

**The Honorable Speaker of the House of Representatives  
The Legislature of the State of Washington  
Olympia, Washington**

Madam Speaker:

I, Steve Hobbs, Secretary of State of the state of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the Office of State Representative at the state General Election held in the state of Washington on the 8th day of November 2022, as shown by the official returns of said election now on file in the Office of the Secretary of State:

## Representatives Elected November 8, 2022

District	Name	Party	Counties Represented
1	Davina Duerr Shelley Kloba	Prefers Democratic Party Prefers Democratic Party	King, Snohomish
2	Andrew Barkis JT Wilcox	Prefers Republican Party Prefers Republican Party	Pierce, Thurston
3	Marcus Riccelli Timm Ormsby	Prefers Democratic Party Prefers Democratic Party	Spokane
4	Suzanne Schmidt Leonard Christian	Prefers Republican Party Prefers Republican Party	Spokane
5	Bill Ramos Lisa Callan	Prefers Democratic Party Prefers Democratic Party	King
6	Mike Volz Jenny Graham	Prefers Republican Party Prefers Republican Party	Spokane
7	Jacquelin Maycumber Joel Kretz	Prefers Republican Party Prefers Republican Party	Douglas, Ferry, Grant, Okanogan, Pen Oreille, Spokane, Stevens
8	Stephanie Barnard April Connors	Prefers Republican Party Prefers Republican Party	Benton, Franklin
9	Mary Dye Joe Schmick	Prefers Republican Party Prefers GOP Party	Adams, Asotin, Columbia, Franklin, Garfield, Lincoln, Spokane, Whitman
10	Clyde Shavers Dave Paul	Prefers Democratic Party Prefers Democratic Party	Island, Skagit, Snohomish
11	David Hackney Steve Bergquist	Prefers Democratic Party Prefers Democratic Party	King
12	Keith W. Goehner Mike Steele	Prefers Republican Party Prefers Republican Party	Chelan, Douglas, King, Snohomish

13	Tom Dent Alex Ybarra	Prefers Republican Party Prefers Republican Party	Grant, Kittitas, Yakima
14	Chris Corry Gina Mosbrucker	Prefers Republican Party Prefers Republican Party	Klickitat, Yakima
15	Bruce Chandler Bryan Sandlin	Prefers Republican Party Prefers Republican Party	Adams, Benton, Franklin, Grant, Yakima
16	Mark Klicker Skyler Rude	Prefers Republican Party Prefers Republican Party	Denton, Franklin, Walla Walla
17	Kevin Waters Paul Harris	Prefers Republican Party Prefers Republican Party	Clark, Skamania
18	Stephanie McClintock Greg Cheney	Prefers Republican Party Prefers Republican Party	Clark
19	Jim Walsh Joel McEntire	Prefers Republican Party Prefers Republican Party	Cowlitz, Grays Harbor, Lewis, Pacific, Thurston, Wahkiakum
20	Peter Abbarno Ed Orcutt	Prefers Republican Party Prefers Republican Party	Clark, Cowlitz, Lewis, Thurston
21	Strom Peterson Lillian Ortiz-Self	Prefers Democratic Party Prefers Democratic Party	Snohomish
22	Beth Doglio Jessica Bateman	Prefers Democratic Party Prefers Democratic Party	Thurson
23	Tarra Simmons Drew Hansen	Prefers Democratic Party Prefers Democratic Party	Kitsap
24	Mike Chapman Steve Tharinger	Prefers Democratic Party Prefers Democratic Party	Clallam, Grays Harbor, Jefferson
25	Kelly Chambers Cyndy Jacobsen	Prefers Republican Party Prefers Republican Party	Pierce
26	Spencer Hutchins Michelle Caldier	Prefers Republican Party Prefers Republican Party	Kitsap, Pierce
27	Laurie Jinkins Jake Fey	Prefers Democratic Party Prefers Democratic Party	Pierce
28	Mari Leavitt Dan Bronoske	Prefers Democratic Party Prefers Democratic Party	Pierce
29	Melanie Morgan Sharlett Mena	Prefers Democratic Party Prefers Democratic Party	Pierce
30	Jamila E. Taylor Kristine Reeves	Prefers Democratic Party Prefers Democratic Party	King
31	Drew Stokesbary Eric E. Robertson	Prefers Republican Party Prefers Republican Party	King, Pierce
32	Cindy Ryu Lauren Davis	Prefers Democratic Party Prefers Democratic Party	King, Snohomish
33	Tina L. Orwall Mia Su-Ling Gregerson	Prefers Democratic Party Prefers Democratic Party	King
34	Emily Alvarado Joe Fitzgibbon	Prefers Democratic Party Prefers Democratic Party	King
35	Dan Griffey Travis Couture	Prefers Republican Party Prefers Republican Party	Kitsap, Mason, Thurston
36	Julia G. Reed Liz Berry	Prefers Democratic Party Prefers Democratic Party	King
37	Sharon Tomiko Santos Chipalo Street	Prefers Democratic Party Prefers Democratic Party	King

38	Julio Cortes Mary Fosse	Prefers Democratic Party Prefers Democratic Party	Snohomish
39	Sam Low Carolyn Eslick	Prefers Republican Party Prefers Republican Party	Skagit, Snohomish
40	Debra Lekanoff Alex Ramel	Prefers Democratic Party Prefers Democratic Party	San Juan, Skagit, Whatcom
41	Tana Senn My-Linh T. Thai	Prefers Democratic Party Prefers Democratic Party	King
42	Alicia Rule Joe Timmons	Prefers Democratic Party Prefers Democratic Party	Whatcom
43	Nicole Macri Frank Chopp	Prefers Democratic Party Prefers Democratic Party	King
44	Brandy Donaghy April Berg	Prefers Democratic Party Prefers Democratic Party	Snohomish
45	Roger Goodman Larry Springer	Prefers Democratic Party Prefers Democratic Party	King
46	Gerry Pollet Darya Farivar	Prefers Democratic Party Prefers Democratic Party	King
47	Debra Jean Entenman Chris Stearns	Prefers Democratic Party Prefers Democratic Party	King
48	Vandana Slatter Amy Walen	Prefers Democratic Party Prefers Democratic Party	King
49	Sharon Wylie Monica Jurado Stonier	Prefers Democratic Party Prefers Democratic Party	Clark

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the state of Washington on this 8th day of December 2022.

#### Canvass of the Returns of the General Election Held on November 8, 2022

I, Steve Hobbs, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.250, I have canvassed the returns of the 3,067,686 votes cast in the November 8, 2022 General Election by the registered voters of the state for all statewide measures, statewide offices, those legislative and judicial offices whose jurisdiction encompasses more than one county, as received from the County Auditors. The votes cast for these measures and these candidates are as follows:

##### Advisory Vote No. 39

Engrossed Substitute Senate Bill 5974

The legislature increased, without a vote of the people, the tax on aircraft fuel from 11 cents to 18 cents per gallon, costing \$14 million in its first ten years, for government spending.

Repealed: 1,704,666  
Maintained: 1,189,673

##### Advisory Vote No. 40

Engrossed Substitute House Bill 2076

The legislature imposed, without a vote of the people, premiums on "transportation network companies" to provide workers compensation to their drivers, costing an indeterminate amount in its first ten years, for government spending.

Repealed: 1,494,471  
Maintained: 1,378,471

##### U.S. Senator

Candidate	Party Preference	Votes
Patty Murray	(Prefers Democratic Party)	1,741,827
Tiffany Smiley	(Prefers Republican Party)	1,299,322
WRITE-IN		6,751

##### Congressional District 1 - U.S. Representative

Candidate	Party Preference	Votes
Suzan DelBene	(Prefers Democratic Party)	181,992
Vincent J Cavaleri	(Prefers Republican Party)	104,329

WRITE-IN		363
Congressional District 2 - U.S. Representative		
Candidate	Party Preference	Votes
Rick Larsen	(Prefers Democratic Party)	202,980
Dan Matthews	(Prefers Republican Party)	134,335
WRITE-IN		608
Congressional District 3 - U.S. Representative		
Candidate	Party Preference	Votes
Marie Gluesenkamp Perez	(Prefers Democratic Party)	160,314
Joe Kent	(Prefers Republican Party)	157,685
WRITE-IN		1,760
Congressional District 4 - U.S. Representative		
Candidate	Party Preference	Votes
Dan Newhouse	(Prefers Republican Party)	150,619
Doug White	(Prefers Democratic Party)	70,710
WRITE-IN		5,318
Congressional District 5 - U.S. Representative		
Candidate	Party Preference	Votes
Cathy McMorris Rodgers	(Prefers Republican Party)	188,648
Natasha Hill	(Prefers Democratic Party)	127,585
WRITE-IN		773
Congressional District 6 - U.S. Representative		
Candidate	Party Preference	Votes
Derek Kilmer	(Prefers Democratic Party)	208,710
Elizabeth Kreiselmaier	(Prefers Republican Party)	138,754
WRITE-IN		409
Congressional District 7 - U.S. Representative		
Candidate	Party Preference	Votes
Pramila Jayapal	(Prefers Democratic Party)	295,998
Cliff Moon	(Prefers Republican Party)	49,207
WRITE-IN		1,442
Congressional District 8 - U.S. Representative		
Candidate	Party Preference	Votes
Kim Schrier	(Prefers Democratic Party)	179,003
Matt Larkin	(Prefers Republican Party)	155,976
WRITE-IN		1,059
Congressional District 9 - U.S. Representative		
Candidate	Party Preference	Votes
Adam Smith	(Prefers Democratic Party)	171,746
Doug Basler	(Prefers Republican Party)	67,631
WRITE-IN		471
Congressional District 10 - U.S. Representative		
Candidate	Party Preference	Votes



Marilyn Strickland	(Prefers Democratic Party)	152,544
Keith R Swank	(Prefers Republican Party)	114,777
WRITE-IN		427

Secretary of State		
Candidate	Party Preference	Votes
Steve Hobbs	(Prefers Democratic Party)	1,468,521
Julie Anderson	(Prefers Nonpartisan Party)	1,351,926
WRITE-IN		129,933

Legislative District 1 - State Representative Position 1		
Candidate	Party Preference	Votes
Davina Duerr	(Prefers Democratic Party)	48,043
John Peeples	(Prefers Republican Party)	19,740
WRITE-IN		58

Legislative District 1 - State Representative Position 2		
Candidate	Party Preference	Votes
Shelley Kloba	(Prefers Democratic Party)	48,198
Jerry Buccola	(Prefers Republican Party)	19,443
WRITE-IN		67

Legislative District 2 - State Representative Position 1		
Candidate	Party Preference	Votes
Andrew Barkis	(Prefers Republican Party)	41,291
WRITE-IN		3,009

Legislative District 2 - State Representative Position 2		
Candidate	Party Preference	Votes
JT Wilcox	(Prefers Republican Party)	38,535
Edward Meer	(States No Party Preference)	13,634
WRITE-IN		1,022

Legislative District 7 - State Senator		
Candidate	Party Preference	Votes
Shelly Short	(Prefers Republican Party)	51,661
WRITE-IN		1,638

Legislative District 7 - State Representative Position 1		
Candidate	Party Preference	Votes
Jacquelin Maycumber	(Prefers Republican Party)	42,611
Lonny Ray Williams	(Prefers Republican Party)	14,771
WRITE-IN		1,180

Legislative District 7 - State Representative Position 2		
Candidate	Party Preference	Votes
Joel Kretz	(Prefers Republican Party)	51,074
WRITE-IN		1,534

Legislative District 8 - State Senator		
Candidate	Party Preference	Votes
Matt Boehnke	(Prefers Republican Party)	40,808

Ronni Batchelor	(Prefers Independent Party)	15,960
WRITE-IN		143
Legislative District 8 - State Representative Position 1		
Candidate	Party Preference	Votes
Stephanie Barnard	(Prefers Republican Party)	37,729
Patrick Guettner	(Prefers Republican Party)	13,015
WRITE-IN		995
Legislative District 8 - State Representative Position 2		
Candidate	Party Preference	Votes
April Connors	(Prefers Republican Party)	29,176
Joe Cotta	(Prefers Republican Party)	22,880
WRITE-IN		993
Legislative District 9 - State Representative Position 1		
Candidate	Party Preference	Votes
Mary Dye	(Prefers Republican Party)	46,711
WRITE-IN		2,124
Legislative District 9 - State Representative Position 2		
Candidate	Party Preference	Votes
Joe Schmick	(Prefers GOP Party)	45,320
WRITE-IN		2,133
Legislative District 10 - State Representative Position 1		
Candidate	Party Preference	Votes
Clyde Shavers	(Prefers Democratic Party)	37,375
Greg Gilday	(Prefers Republican Party)	37,164
WRITE-IN		104
Legislative District 10 - State Representative Position 2		
Candidate	Party Preference	Votes
Dave Paul	(Prefers Democratic Party)	38,911
Karen Lesetmoe	(Prefers Republican Party)	35,711
WRITE-IN		74
Legislative District 12 - State Representative Position 1		
Candidate	Party Preference	Votes
Keith W. Goehner	(Prefers Republican Party)	45,819
WRITE-IN		2,764
Legislative District 12 - State Representative Position 2		
Candidate	Party Preference	Votes
Mike Steele	(Prefers Republican Party)	42,812
Robert K Amenn	(Prefers Republican Party)	9,655
WRITE-IN		2,111
Legislative District 13 - State Senator		
Candidate	Party Preference	Votes
Judy Warnick	(Prefers Republican Party)	41,785
WRITE-IN		1,242

## Legislative District 13 - State Representative Position 1

Candidate	Party Preference	Votes
Tom Dent	(Prefers Republican Party)	41,617
WRITE-IN		1,235

## Legislative District 13 - State Representative Position 2

Candidate	Party Preference	Votes
Alex Ybarra	(Prefers Republican Party)	41,425
WRITE-IN		1,086

## Legislative District 14 - State Representative Position 1

Candidate	Party Preference	Votes
Chris Corry	(Prefers Republican Party)	30,367
Laurene Contreras	(States No Party Preference)	15,592
WRITE-IN		135

## Legislative District 14 - State Representative Position 2

Candidate	Party Preference	Votes
Gina Mosbrucker	(Prefers Republican Party)	30,940
Liz Hallock	(States No Party Preference)	15,208
WRITE-IN		148

## Legislative District 15 - State Senator

Candidate	Party Preference	Votes
Nikki Torres	(Prefers Republican Party)	15,686
Lindsey Keesling	(Prefers Democratic Party)	7,437
WRITE-IN		55

## Legislative District 15 - State Representative Position 1

Candidate	Party Preference	Votes
Bruce Chandler	(Prefers Republican Party)	17,856
WRITE-IN		802

## Legislative District 15 - State Representative Position 2

Candidate	Party Preference	Votes
Bryan Sandlin	(Prefers Republican Party)	17,384
WRITE-IN		774

## Legislative District 16 - State Representative Position 1

Candidate	Party Preference	Votes
Mark Klicker	(Prefers Republican Party)	37,792
Jeff Strickler	(Prefers Democratic Party)	17,128
WRITE-IN		63

## Legislative District 16 - State Representative Position 2

Candidate	Party Preference	Votes
Skyler Rude	(Prefers Republican Party)	38,916
Jan Corn	(Prefers Democratic Party)	15,816
WRITE-IN		65

## Legislative District 17 - State Representative Position 1

Candidate	Party Preference	Votes
Terri Niles	(Prefers Democratic Party)	32,423
Kevin Waters	(Prefers Republican Party)	36,901
WRITE-IN		110

## Legislative District 17 - State Representative Position 2

Candidate	Party Preference	Votes
Joe Kear	(Prefers Democratic Party)	31,407
Paul Harris	(Prefers Republican Party)	37,860
WRITE-IN		125

## Legislative District 19 - State Representative Position 1

Candidate	Party Preference	Votes
Jim Walsh	(Prefers Republican Party)	39,940
Kelli Hughes-Ham	(Prefers Democratic Party)	24,232
WRITE-IN		71

## Legislative District 19 - State Representative Position 2

Candidate	Party Preference	Votes
Joel McEntire	(Prefers Republican Party)	39,357
Cara Cusack	(Prefers Democratic Party)	24,643
WRITE-IN		81

## Legislative District 20 - State Representative Position 1

Candidate	Party Preference	Votes
Peter Abbarno	(Prefers Republican Party)	50,693
WRITE-IN		2,059

## Legislative District 20 - State Representative Position 2

Candidate	Party Preference	Votes
Ed Orcutt	(Prefers Republican Party)	50,764
WRITE-IN		1,973

## Legislative District 24 - State Representative Position 1

Candidate	Party Preference	Votes
Mike Chapman	(Prefers Democratic Party)	46,050
Sue Forde	(Prefers Republican Party)	35,354
WRITE-IN		73

## Legislative District 24 - State Representative Position 2

Candidate	Party Preference	Votes
Steve Tharinger	(Prefers Democratic Party)	44,910
Brian Pruiett	(Prefers Republican Party)	36,202
WRITE-IN		53

## Legislative District 26 - State Senator

Candidate	Party Preference	Votes
Emily Randall	(Prefers Democratic Party)	38,222
Jesse L. Young	(Prefers Republican Party)	36,946
WRITE-IN		93

## Legislative District 26 - State Representative Position 1

Candidate	Party Preference	Votes
Adison Richards	(Prefers Democratic Party)	37,081
Spencer Hutchins	(Prefers Republican Party)	37,816
WRITE-IN		45

## Legislative District 26 - State Representative Position 2

Candidate	Party Preference	Votes
Michelle Caldier	(Prefers Republican Party)	42,087
Matt Macklin	(Prefers Democratic Party)	32,741
WRITE-IN		65

## Legislative District 31 - State Senator

Candidate	Party Preference	Votes
Phil Fortunato	(Prefers Republican Party)	35,764
Chris Vance	(States No Party Preference)	28,053
WRITE-IN		263

## Legislative District 31 - State Representative Position 1

Candidate	Party Preference	Votes
Holly Stanton	(Prefers Democratic Party)	25,929
Drew Stokesbary	(Prefers Republican Party)	39,051
WRITE-IN		69

## Legislative District 31 - State Representative Position 2

Candidate	Party Preference	Votes
Eric E. Robertson	(Prefers Republican Party)	40,206
Carrie Wilbur	(Prefers Democratic Party)	24,489
WRITE-IN		86

## Legislative District 32 - State Senator

Candidate	Party Preference	Votes
Jesse Soloman	(Prefers Democratic Party)	43,240
Patricia Weber	(Prefers Democratic Party)	13,159
WRITE-IN		1,396

## Legislative District 32 - State Representative Position 1

Candidate	Party Preference	Votes
Cindy Ryu	(Prefers Democratic Party)	51,038
Lori Theis	(Prefers Election Integrity Party)	11,155
WRITE-IN		298

## Legislative District 32 - State Representative Position 2

Candidate	Party Preference	Votes
Lauren Davis	(Prefers Democratic Party)	50,403
Anthony Hubbard	(Prefers Republican Party)	13,001
WRITE-IN		140

## Legislative District 35 - State Senator

Candidate	Party Preference	Votes
Drew C MacEwen	(Prefers Republican Party)	41,828
Julianne Gale	(Prefers Democratic Party)	32,705
WRITE-IN		74

## Legislative District 35 - State Representative Position 1

Candidate	Party Preference	Votes
Daniel Griffey	(Prefers Republican Party)	43,938
James DeHart	(Prefers Democratic Party)	30,459
WRITE-IN		96

## Legislative District 35 - State Representative Position 2

Candidate	Party Preference	Votes
Sandy Kaiser	(Prefers Democratic Party)	34,762
Travis Couture	(Prefers Republican Party)	39,445
WRITE-IN		57

## Legislative District 39 - State Representative Position 1

Candidate	Party Preference	Votes
Robert J. Sutherland	(Prefers Republican Party)	24,976
Sam Low	(Prefers Republican Party)	31,997
WRITE-IN		1,856

## Legislative District 39 - State Representative Position 2

Candidate	Party Preference	Votes
Carolyn Eslick	(Prefers Republican Party)	38,519
Jessica Wadhams	(Prefers Democratic Party)	26,082
WRITE-IN		123

## Legislative District 40 - State Representative Position 1

Candidate	Party Preference	Votes
Debra Lekanoff	(Prefers Democratic Party)	52,488
Shannon Perkes	(Prefers Republican Party)	23,208
WRITE-IN		142

## Legislative District 40 - State Representative Position 2

Candidate	Party Preference	Votes
Alex Ramel	(Prefers Democratic Party)	47,326
Trevor Smith	(Prefers Democratic Party)	14,978
WRITE-IN		1,872

## Supreme Court - Justice Position 1

Candidate	Votes
Mary I. Yu	1,961,152
WRITE-IN	52,447

## Supreme Court - Justice Position 5

Candidate	Votes
Barbra Madsen	1,937,634
WRITE-IN	43,453

## Supreme Court - Justice Position 6

Candidate	Votes
G. Helen Whitener	1,918,080
WRITE-IN	42,740

## Court of Appeals, Division 2, District 2 - Judge Position 1

Candidate	Votes
Erik D. Price	229,277
WRITE-IN	4,963

## Court of Appeals, Division 2, District 3 - Judge Position 2

Candidate	Votes
Anne Cruser	184,274
WRITE-IN	3,252

## Court of Appeals, Division 3, District 2 - Judge Position 1

Candidate	Votes
George Fearing	120,000
WRITE-IN	1,513

## Benton, Franklin Superior Court - Judge Position 4

Candidate	Votes
George F. Cicotte	39,419
Norma Rodriguez	48,898
WRITE-IN	218

## Benton, Franklin Superior Court - Judge Position 6

Candidate	Votes
Jacqueline I. Stam	64,910
WRITE-IN	704

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington on this 7th day of December 2022, at Olympia, the State Capital.

Steve R. Hobbs  
Secretary of State

### OATH OF OFFICE

Justice Montoya-Lewis administered the Oath of Office to the Members of the House of Representatives. The Certificates of Election were distributed to the members.

### RESOLUTION

**HOUSE RESOLUTION NO. 2023-4601**, by Representatives Fitzgibbon and Kretz

NOW, THEREFORE, BE IT RESOLVED, That ~~((permanent))~~temporary House Rules for the ~~((Sixty-Seventh))~~Sixty-Eighth Legislature be adopted as follows:

TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES  
((SIXTY-SEVENTH))SIXTY-EIGHTH LEGISLATURE ((2021-2022))2023-2024

### HOUSE RULE NO.

- |                |  |
|----------------|--|
| <b>Rule 1</b>  | Definitions                                      |
| <b>Rule 2</b>  | Chief Clerk to Call to Order                     |
| <b>Rule 3</b>  | Election of Officers                             |
| <b>Rule 4</b>  | Powers and Duties of the Speaker                 |
| <b>Rule 5</b>  | Chief Clerk                                      |
| <b>Rule 6</b>  | Executive Rules Committee                        |
| <b>Rule 7</b>  | Duties of Employees                              |
| <b>Rule 8</b>  | Admission to the House                           |
| <b>Rule 9</b>  | Absentees and Courtesy                           |
| <b>Rule 10</b> | Bills, Memorials and Resolutions - Introductions |

<b>Rule 11</b>	Reading of Bills
<b>Rule 12</b>	Amendments
<b>Rule 13</b>	Final Passage
<b>Rule 14</b>	Hour of Meeting, Roll Call and Quorum
<b>Rule 15</b>	Daily Calendar and Order of Business
<b>Rule 16</b>	Motions
<b>Rule 17</b>	<u>Remote Participation and Voting Permitted Upon Authorization</u>
<b>Rule 18</b>	Members' Right to Debate
<b>Rule ((18))19</b>	Rules of Debate
<b>Rule ((19))20</b>	Ending of Debate - Previous Question
<b>Rule ((20))21</b>	Voting
<b>Rule ((21))22</b>	Reconsideration
<b>Rule ((22))23</b>	Call of the House
<b>Rule ((23))24</b>	Appeal from Decision of Chair
<b>Rule ((24))25</b>	Standing Committees
<b>Rule ((25))26</b>	Duties of Committees
<b>Rule ((26))27</b>	Standing Committees - Expenses - Subpoena Power
<b>Rule ((27))28</b>	Vetoed Bills
<b>Rule ((28))29</b>	Suspension of Compensation
<b>Rule ((29))30</b>	Smoking
<b>Rule ((30))31</b>	Liquor
<b>Rule ((31))32</b>	Parliamentary Rules
<b>Rule ((32))33</b>	Standing Rules Amendment
<b>Rule ((33))34</b>	Rules to Apply for Assembly
<b>Rule ((34))35</b>	Legislative ((Mailings))Publications
<b>Rule 36</b>	<u>Emergency Resolution Authorized</u>

#### Definitions

**Rule 1.(A)** "Absent" means an unexcused failure to attend.

~~("Term" means the two-year term during which the members as a body may act.~~

~~"Session" means a constitutional gathering of the house in accordance with Article II § 12 of the state Constitution.)~~

~~(B) "Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.~~

~~(C) "Committee" means any standing, conference, joint, or select committee as so designated by rule or resolution.~~

~~(D) "Fiscal committee" means the appropriations, capital budget, finance, and transportation committees.~~

~~("Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.)~~

~~(E) "Sergeant at arms" means the director of house security.~~

~~(F) "Session" means a constitutional gathering of the house in accordance with Article II, section 12 of the state Constitution.~~

~~(G) "Term" means the two-year term during which the members as a body may act.~~

#### Chief Clerk to Call to Order

**Rule 2.** It shall be the duty of the chief clerk of the previous term to call the house to order and to conduct the proceedings until a speaker is chosen.

#### Election of Officers

**Rule 3.** The house shall elect the following officers at the commencement of each term: Its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; a deputy speaker pro tempore, who shall serve in absence or in case of the inability of the speaker and speaker pro tempore; and a chief clerk of the house. Such officers shall hold office during all sessions until the convening of the succeeding term: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. ~~((Art. II §))~~Article II, section 27)

#### Powers and Duties of the Speaker

**Rule 4.** The speaker shall have the following powers and duties:



(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.

(D) The speaker shall sign all bills in open session. ~~((Art. H §))~~ Article II, section 32

(E) The speaker shall sign all writs, warrants, and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) The speaker, in open session, shall appoint committee chairs as selected by the majority party caucus, and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

(H) The speaker shall serve as chair of the rules committee and the executive rules committee.

(I) The speaker shall have charge of and see that all officers, attaches, and clerks perform their respective duties.

(J) The speaker pro tempore shall exercise the duties, powers, and prerogatives of the speaker in the event of the speaker's death, illness, removal, or inability to act until the speaker's successor shall be elected.

#### Chief Clerk

**Rule 5.** The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall perform all administrative duties related to the public records obligations of members of the house.

The chief clerk shall employ, subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal, or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

#### Executive Rules Committee

**Rule 6.** The executive rules committee is hereby established to oversee administrative operations of the house. The committee consists of four members of the majority caucus and three members of the minority caucus, to be named by the speaker and minority leader respectively.

#### Duties of Employees

**Rule 7.** Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

#### Admission to the House

**Rule 8.** It shall be the general policy of the house to keep the chamber clear as follows:

(A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:

- The governor or designees, or both;
- Members of the senate;
- State elected officials;
- Officers and authorized employees of the legislature;
- Former members of the house who are not advocating any pending or proposed legislation;
- Representatives of the press;
- Other persons with the consent of the speaker.

(B) Only members of the house, pages, sergeants at arms, and clerks are permitted on the floor while the house is in session.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the house or committee. Anyone violating this rule will forfeit ~~((his or her))~~ their right to be admitted to the house chamber or any of its committee rooms.

#### Absentees and Courtesy

**Rule 9.** No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

#### Bills, Memorials and Resolutions - Introductions

**Rule 10.** Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 10:00 a.m. shall be introduced at the next daily session, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. ~~((Art. H §))~~ Article II, section 36

Any returning member or member-elect may prefile a bill with the chief clerk commencing the first Monday in December preceding any regular session or twenty (20) days before any special session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term. No house bill may be introduced that is identical to any other pending house bill.

### Reading of Bills

**Rule 11.** Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

A bill may be returned to second reading for the purpose of amendment by a suspension of the rules: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended and a bill returned to second reading for the purpose of amendment by a majority vote.

(A) **FIRST READING.** The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee, unless otherwise ordered by the house.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) **SECOND READING.** Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing or electronically, distributed to the desk of each member or made available to each member electronically, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) **SUBSTITUTE BILLS.** When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed. A motion for the substitution shall not be in order until the second reading of the original bill.

(D) **THIRD READING.** Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) **SUSPENSION CALENDAR.** Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

(F) **HOUSE RESOLUTIONS.** House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Children's Day, Day of Remembrance, Martin Luther King Jr. Day, National Guard Day, and President's Day.

(G) **CONCURRENT RESOLUTIONS.** Reading of concurrent resolutions may be advanced by majority vote.

### Amendments

**Rule 12.** The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 11(E) and as follows:

(A) **AMENDMENTS TO BE OFFERED IN PROPER FORM.** The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) **COMMITTEE AMENDMENTS.** When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house before any amendments that may be offered from the floor.

(C) **SENATE AMENDMENTS TO HOUSE BILLS.** A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

(D) **AMENDMENTS TO BE GERMANE.** No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) **SCOPE AND OBJECT NOT TO BE CHANGED.** No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. ~~(((Art. II §)))~~Article II, section 38)

(F) **NO AMENDMENT BY REFERENCE.** No act shall ever be revised or amended without being set forth at full length. ~~(((Art. II §)))~~Article II, section 37)

(G) **TITLE AMENDMENTS.** The subject matter portion of a bill title shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall either be presented with the text amendment or be incorporated by the chief clerk in the engrossing process.

(H) **DATE AND TIME FOR AMENDMENT SUBMISSION.** To facilitate the orderly consideration of proposed legislation, the speaker, after consultation with the minority leader, may establish a date and time for submission of amendments.

### Final Passage

**Rule 13.** Rules relating to bills on final passage are as follows:

(A) BUDGET BILLS. No final passage vote may be taken on an operating budget, transportation budget, or capital budget bill until twenty-four (24) hours after the bill is placed on the third reading calendar. The twenty-four (24) hour requirement does not apply to conference reports, which are governed by the Joint ~~((Rule 20))~~ Rules of the Senate and the House of Representatives, or to bills placed on the third reading calendar by a two-thirds (2/3) vote of the members present.

(B) RECOMMITMENT BEFORE FINAL PASSAGE. A bill may be recommitted at any time before its final passage.

(C) FINAL PASSAGE. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. ~~(((Art. II §))~~ Article II, section 22)

(D) BILLS PASSED - CERTIFICATION. When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

### Hour of Meeting, Roll Call and Quorum

**Rule 14.** (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule ~~((22))~~ 23(B). Any member participating remotely in house proceedings as provided in Rule 17 shall be considered present for purposes of a quorum. For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. ~~(((Art. II §))~~ Article II, section 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

### Daily Calendar and Order of Business

**Rule 15.** The rules relating to the daily calendar and order of business are as follows:

(A) DAILY CALENDAR. Business of the house shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer, and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor, and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions, and concurrent resolutions.

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

(B) UNFINISHED BUSINESS. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

(C) EXCEPTIONS. Exceptions to the order of business are as follows:

(1) The order of business may be changed by a majority vote of those present.

(2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

### Motions

**Rule 16.** Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

- (1) Privileged motions:
  - Adjourn
  - Adjourn to a time certain
  - Recess to a time certain
  - Reconsider
  - Demand for division
  - Question of privilege
  - Orders of the day

- (2) Subsidiary motions:
- |              |                              |
|--------------|------------------------------|
| First rank:  | Question of consideration    |
| Second rank: | To lay on the table          |
| Third rank:  | For the previous question    |
| Fourth rank: | To postpone to a day certain |
|              | To commit or recommit        |
|              | To postpone indefinitely     |
| Fifth rank:  | To amend                     |
- (3) Incidental motions:
- Points of order and appeal
  - Method of consideration
  - Suspension of the rules
  - Reading papers
  - Withdraw a motion
  - Division of a question

(C) THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT. Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule ((23))24.

Motions to adopt house resolutions shall be decided without debate, except as provided in Rule 11(F).

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) MOTION TO ADJOURN. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

#### **Remote Participation and Voting Permitted Upon Authorization**

**Rule 17.** The majority leader and minority leader or their designees may authorize members of their respective caucuses to participate remotely in official house proceedings, including committee meetings and floor sessions, upon the request of a member who is experiencing a medical condition or illness that prevents in-person participation. Once authorized, any member participating remotely shall be considered present for purposes of a quorum and voting. Members participating remotely shall use the computer and virtual background provided by the house during all committee meetings and floor proceedings. The majority leader and minority leader or their designees shall determine when the member's authorization to participate remotely ends.

#### **Members' Right to Debate**

**Rule ((17))18.** The methods by which a member may exercise (~~his or her~~)their right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized. Any member participating remotely in house proceedings as provided in Rule 17 who desires to speak may request to be recognized by use of the request to speak button in the remote floor activity system.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the (~~third~~)fifth day prior to the day any bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule ((19))20 (Previous Question).

#### **Rules of Debate**

**Rule ((18))19.** The rules for debate in the house are as follows:

(A) QUESTION OF PRIVILEGE. Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) WITHDRAWAL OF MOTION, BILL, ETC. After a motion is stated by the speaker or a bill, memorial, resolution, petition, or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) READING OF A PAPER. When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member (~~(granting)~~) granted permission for the distribution. Any member participating remotely as provided in Rule 17 who wishes to distribute materials subject to the speaker's approval may do so electronically. All materials approved for distribution shall be provided electronically to members participating remotely to the extent practicable. This shall not apply to materials normally distributed by the chief clerk.

(E) ORDER OF QUESTIONS. All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(F) DIVISION OF POINTS OF DEBATE. Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(G) DECORUM OF MEMBERS. While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(H) REMARKS CONFINED. A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(I) EXCEPTION TO WORDS SPOKEN IN DEBATE. If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(J) TRANSGRESSION OF RULES - APPEAL. If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall prevail.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

#### Ending of Debate - Previous Question

**Rule ~~((19))~~20.** The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative \_\_\_\_\_ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

#### Voting

**Rule ~~((20))~~21.** (A) PUTTING OF QUESTION. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) ALL MEMBERS TO VOTE. ~~((Every))~~ Except as provided in subsection (G), every member who was in the house or participating remotely in house proceedings as provided in Rule 17 when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

(C) COUNT OF THE HOUSE. Upon a division and count of the house on the question, only members at their desks within the bar of the house or participating remotely in house proceedings as provided in Rule 17 shall be counted.

~~((C))~~(D) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

~~((D))~~(E) PRIVATE INTEREST. No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. ~~((Art. H §))~~ Article II, section 30)

~~((E))~~(F) INTERRUPTION OF ROLL CALL. Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

~~((F))~~(G) MOTIONS NOT REQUIRING A RECORDED ROLL CALL VOTE. Members in the house and members participating remotely in house proceedings as provided in Rule 17 may vote on any motion not requiring a recorded roll call vote, including when the house divides. Members participating remotely may vote using the remote floor activity system.

(H) INABILITY TO VOTE USING REMOTE VOTING FUNCTION. A member participating remotely in house proceedings as provided in Rule 17 who is unable to vote using the remote voting function on any motion requiring a recorded roll call vote may vote

orally. If a member is unable to vote using the remote voting function or orally, the rostrum staff shall contact the member by telephone and the member's vote may be taken by telephone to rostrum staff after the member answers security questions to verify the identity of the member. The rostrum staff will announce the vote of the member, which shall be recorded.

(I) YEAS AND NAYS - RECORDED VOTES. Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. ((Art-H-§))Article II, section 21)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

((G))J TIE VOTE, QUESTION LOSES. In case of an equal division, the question shall be lost.

((H))K DIVISION. If the speaker is in doubt, or if division is called for by any member, the house shall divide.

((H))L STATEMENT FOR JOURNAL. A member whose recorded vote does not accurately reflect ((his or her))their intent may submit a written statement for the journal clarifying their intent to vote aye or nay. The statement must be submitted to the chief clerk on the same day the vote is taken. A member who is excused for one or more days of recorded votes may submit a written statement for the journal explaining the reason for ((his or her))their absence. The statement may not exceed ((fifty))50 words and must be submitted to the chief clerk on the same day the member returns. A member participating remotely in house proceedings as provided in Rule 17 who was unable to vote using the remote voting function, orally, or by telephone may submit a statement for the journal within 48 hours indicating their intent to vote yea or nay.

**Reconsideration**

Rule ((21))22. Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken; AND PROVIDED FURTHER, That any member participating remotely in house proceedings as provided in Rule 17 who was unable to vote using the remote voting function, orally, or by telephone may require reconsideration of the vote on the final passage of bills the same day the vote is taken.

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

**Call of the House**

Rule ((22))23. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) DOORS TO BE CLOSED. When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) SERGEANT AT ARMS TO BRING IN THE ABSENTEES. The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave. A member authorized to participate remotely in house proceedings as provided in Rule 17 who is visible at the time of the roll call through the remote floor activity system shall not be considered absent or absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) HOUSE UNDER CALL. While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house, a motion to excuse absentees, or a motion to dispense with the call of the house. The motion to proceed with business under the call of the house and the motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof. The motion to dispense with the call of the house may be adopted by a majority of the members present.

**Appeal from Decision of Chair**

Rule ((23))24. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

**Standing Committees**

Rule ((24))25. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Appropriations.....	33
2. Capital Budget.....	23
3. Children, Youth & Families.....	13
4. Civil Rights & Judiciary.....	17
5. College & Workforce Development.....	13
6. Commerce & Gaming.....	9
7. Community & Economic Development.....	13
8. Consumer Protection & Business.....	7
9. Education.....	13

10. Environment & Energy.....	13
11. Finance.....	17
12. Health Care & Wellness.....	15
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16. Public Safety.....	13
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Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs. "Committee chair" includes committee cochairs.

**Duties of Committees**

**Rule ((25))26.** House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled with at least five (5) ~~((days in advance))~~ days' notice, including the day of notice and day of hearing, and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

(B) COMMITTEE QUORUM. A majority of any committee shall constitute a quorum for the transaction of business.

(C) SESSION MEETINGS. No committee shall sit while the house is in session without special leave of the speaker.

(D) DUTIES OF STANDING COMMITTEES.

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting ~~((except upon the vote of a majority of the entire membership of the committee to consider another bill)).~~

(2) A majority recommendation of a committee must be ~~((signed))~~made by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial, or resolution may be reported out: PROVIDED, That by motion under the eighth order of business, a majority of the members elected to the house may relieve a committee of a bill and place it on the second reading calendar.

Majority recommendations of a committee can only be "do pass," "do pass as amended," or that "the substitute bill be substituted therefor and that the substitute bill do pass."

(3) Members of the committee not concurring in the majority report may ~~((prepare))~~make a written minority report containing a recommendation of "do not pass" or "without recommendation," which shall be ~~((signed))~~joined by those members of the committee subscribing thereto, and submitted with the majority report.

(4) Every recommendation and report shall be made by members of the committee during the regularly called meeting of the committee. No signatures are required.

(5) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members ~~((signing))~~joining in the majority and minority recommendations contained in such reports.

~~((5))~~(6) Every vote to report a bill out of committee shall be taken by the yeas and nays, with the nays specifying "do not pass" or "without recommendation" and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

~~((6))~~(7) A member participating remotely in house proceedings as provided in Rule 17 who is unable to vote on a bill in committee for technical reasons may submit a statement for the bill file indicating their intent to have voted yea, nay-do not pass, or nay-without recommendation. The statement must be submitted to the chief clerk on the same day the vote is taken.

(8) All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage.

~~((7))~~(9) No standing committee shall vote by secret written ballot on any issue.

~~((8))~~(10) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the House of Representatives shall be open to the public.

~~((9))~~(11) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or requires the exercise of rule-making powers and, if so, consider:

(a) The nature of the new rule-making powers; and

(b) To which agencies the new rule-making powers would be delegated and which agencies, if any, may have related rule-making powers.

~~((10))~~(12) Insofar as practicable, testimony in public hearings should be balanced between those in support of and in opposition to proposed legislation, with consideration given to providing an opportunity for members of the public to testify within available time.

#### Standing Committees - Expenses - Subpoena Power

**Rule ((26))27.** Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

The standing committees of the house may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a standing committee of the house may issue any process, the committee ~~((chairperson))~~chair shall submit for approval of the executive rules committee a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by the executive rules committee. The process shall be limited to the named individuals.

#### Vetoed Bills

**Rule ((27))28.** Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house. Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the term, after which they shall be filed with the secretary of state.

#### Suspension of Compensation

**Rule ((28))29.** (1) Any member of the House of Representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members.

#### Smoking and Vaping

~~Rule ((29))30. Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.~~

~~"No smoking" signs shall be posted so as to give notice of this rule)~~**30.** To provide a safe and healthy environment for all members, employees, and the public, smoking and vaping shall not be permitted at any public meeting of the House of Representatives or within house facilities. Smoking includes the lighting of cigarettes, pipes, or cigars. Vaping includes the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, or e-cigars.

#### Liquor

**Rule ((30))31.** The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

#### Parliamentary Rules

**Rule ((31))32.** The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

#### Standing Rules Amendment

**Rule ((32))33.** Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 11.

#### Rules to Apply for Assembly

**Rule ((33))34.** The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

#### Legislative Publications

**Rule ((34))35.** The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative publications at public expense are for legitimate legislative purposes.

#### ~~((Appendix to House Rules~~

~~The House of Representatives of the sixty-seventh legislature acknowledges that the COVID-19 pandemic requires the adoption of extraordinary rules of procedure that protect the health of members, staff, and the public, and ensure transparency and openness in house proceedings.~~

Pursuant to Article II, section 9 of the state Constitution, the House of Representatives hereby adopts the following Appendix Rules A-1 through A-10 to govern its proceedings during the COVID-19 state of emergency.



### **Application of Rules**

Rule A-1. Reed's Parliamentary Rules and the Rules of the House of Representatives are hereby superseded to the extent they are inconsistent with the rules set forth in this appendix.

#### **Remote Participation and Voting Authorized**

Rule A-2. House members shall participate remotely in official house proceedings, including committee meetings and floor sessions, and when doing so, shall be considered present for purposes of a quorum and voting.

Members are encouraged to use computers provided by the house to participate in committee meetings and are encouraged to use the virtual background provided by the house in their video display. Members are required to use computers provided by the house to cast votes in remote floor sessions and are required to use the virtual background provided by the house for their video display.

Reasonable accommodations provided to a member due to a disability must include provisions necessary to facilitate participation in remote proceedings.

#### **Admittance to House Facilities**

Rule A-3. Admittance to house facilities is permitted only as follows:

(1) The speaker, the speaker pro tempore, the deputy speaker pro tempore, the minority leader, the majority floor leader, the minority floor leader, and staff essential to floor operations are permitted in the chamber during floor proceedings.

(2) The executive rules committee may authorize additional members to be admitted to the chamber during floor proceedings.

(3) Including the above referenced members, each caucus may designate 15 members to participate remotely from their assigned legislative offices. Each caucus must prioritize members with technological problems that preclude remote participation.

(4) The executive rules committee may authorize additional members of the house to participate remotely from their assigned legislative offices upon a showing that technological problems preclude participation from the member's home or an alternate district location.

(5) Staff may access house facilities only with prior approval of the chief clerk.

(6) Any person permitted access to house facilities must comply with public health requirements both on and off campus, and any other restriction established by executive rules and/or the chief clerk.

(7) The chief clerk shall continue to review public health data and guidance and periodically update the executive rules committee. The executive rules committee may modify provisions relating to admittance to house facilities as conditions warrant.

#### **House Resolutions**

Rule A-4. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Day of Remembrance, Martin Luther King Jr. Day, President's Day, and National Guard Day. Floor debate on commemorative resolutions is limited to 10 minutes for members of the majority caucus and 10 minutes for members of the minority caucuses.

#### **Members Right to Debate**

Rule A-5. Any member who desires to speak may request to be recognized by use of the request to speak function in the remote floor activity system.

No member may speak longer than 10 minutes without consent of the house, PROVIDED, that on and after the fifth day prior to the day of adjournment Sine Die of any session, as determined by Article II, section 12 of the state Constitution or concurrent resolution, and on and after the fifth day prior to the day any bill must be reported from the house as established by concurrent resolution, no member may speak more than three minutes without consent of the house.

#### **Amendments**

Rule A-6. To facilitate the orderly consideration of legislation, the speaker, after consultation with the minority leader, may establish a deadline for submission of amendments.

#### **Voting**

Rule A-7. The speaker shall divide the house on all motions not requiring a recorded roll call vote. A member is not required to participate in a division vote.

All members present in the remote floor proceedings shall vote when the question is put on any motion requiring a recorded roll call vote. Before locking the roll call machine, the speaker shall call the name of any member not voting. If a member is unable to vote using the remote voting function, the member may vote orally. If a member is unable to vote using the remote voting function or orally, the rostrum staff shall contact the member by telephone and the member's vote may be taken by telephone to rostrum staff after the member answers security questions to verify the identity of the member. The rostrum staff will announce the vote of the member, which shall be recorded.

Any member who was unable to vote using the remote voting function, orally, or by telephone may require reconsideration of the vote on the same day the vote is taken or submit a statement for the journal within 48 hours indicating their intent to vote yea or nay.

#### **Distribution of Materials**

Rule A-8. Any requirement to distribute materials to members' desks is satisfied by distribution through electronic means.

#### **Duties of Committees**

Rule A-9. Every notice of a committee meeting shall include a web address for information about viewing and providing public testimony at committee meetings in lieu of a physical location.

Every member participating remotely in a committee meeting shall be considered present for purposes of quorum and roll call voting.

Only such bills as are included on the written notice of a committee meeting may be considered at that meeting.

Every report and recommendation shall be made by members of the committee during a regularly called meeting of the committee. No signatures are required.

Every vote to report a bill out of committee shall be taken by the yeas and nays, with nays specifying "do not pass" or "without recommendation."

A member who is unable to vote on a bill in committee for technical reasons may submit a statement for the bill file indicating their intent to have voted aye, nay do not pass, or nay without recommendation. The statement must be submitted to the chief clerk on the same day the vote is taken.

A meeting shall be considered open to the public if an alternate and broadly accessible means for the public to view the meeting is available.

#### **Term of Appendix Rules**

Rule A-10. The rules in this appendix expire on the termination of the COVID-19 state of emergency, or when rescinded by the executive rules committee, whichever occurs first.)

#### **Emergency Resolution Authorized**

**Rule 36.** If the executive rules committee determines through a majority vote that physically convening all members and staff in a single location presents a danger to the health or safety of members, staff, and the public or is impractical because of an emergency, disaster, or catastrophic incident under RCW 42.14.010, the house shall adopt a resolution establishing the rules and procedures governing any special or regular legislative session. For purposes of adopting the house resolution required by this rule, some or all members may vote using the remote voting function or other process established by the chief clerk. Members are considered in attendance within the bar of the house when using the remote floor activity system or following the established process, including for purposes of establishing quorum. To the extent practicable, a member participating remotely or otherwise under this rule has the same privileges, rights, and responsibilities under the house rules as if the member were physically present.

Representative Fitzgibbon moved adoption of HOUSE RESOLUTION NO. 4601.

Representatives Fitzgibbon and Kretz spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4601 was adopted.

#### **ELECTION OF THE SPEAKER**

Representative Fitzgibbon: "Thank you, Mr. Chief Clerk. I want to echo the words of the gentleman from the 7th district. I think we're all very happy to be back in person. I don't know if there is a member who is happier to have us back in person than the good lady from the 27th district, Representative Jinkins. Who's led us through this very unusual previous biennium where we convened mostly remotely.

But thanks to that, our ability to adapt during those difficult times, we managed to avoid any outbreaks of COVID-19 as some legislatures around the country did see. And that's really a testament, I think, to her leadership. And I want to thank her for that.

You know, different institutions, Mr. Chief Clerk, require different kinds of leadership. And I don't know that I would nominate Representative Jinkins to be a ship captain or an army general or a hospital CEO, but I do think that her leadership qualities are uniquely suited to the body that we serve in here.

She genuinely cares about the priorities and the experiences and the expertise of every member of this body. I know that she's made the time to meet with all ninety-eight elected members of the House of Representative. And also with every, with broader members of the legislative community. Particularly the staff of this institution.

She takes in information, takes in arguments from people who disagree with her, and she may not change her mind right away. But she takes that into account and it helps her set her priorities. How can she best lead a very diverse body of members from all different parts of the state. With all different life, all different priorities, all different sets of life experiences.

And I can tell you from experience, you don't always change her mind on the first go, but she really does care about the points of view that are being presented to her. And it informs her approach, it informs her outlook, it informs her priorities.

That's the kind of leadership that I want to see from the leader of this Chamber. Somebody who really collaborates and who really listens and who is able to adapt to new information and to changing circumstances. I think that she's done an incredible job of demonstrating that leadership during the three years in which she has presided over this chamber.

And I urge your support for her."

#### **MOTIONS**

Representative Fitzgibbon moved that the nominations for the Office of Speaker of the House of Representatives be closed. The motion was carried.

Representative Fitzgibbon moved that Representative Laurie Jinkins be elected to the Office of Speaker of the House of Representatives. The motion was carried.

Representative Laurie Jinkins was elected to the Office of the Speaker of the House of Representatives.

Representative Fitzgibbon escorted Speaker Jinkins to the rostrum.

#### **OATH OF OFFICE**

Justice Montoya-Lewis administered the Oath of Office to Speaker Jinkins.

Chief Clerk Dean congratulated Speaker Jinkins and turned the gavel over to her.

#### **SPEAKER'S PRIVILEGE**

The Speaker introduced Nisqually Tribal Chair Willie Frank III; Vice Chair Antonette Squally; Councilwoman Chay Squally and the Nisqually Council and Canoe family.

#### **SPEAKER'S REMARKS**

Speaker Jinkins: "Thank you Chair Frank for welcoming us all to the ancestral homeland of the sovereign tribes. Starting what I hope will be a new tradition here in the House of Representatives. We acknowledge tribal nations as the original stewards of this land. And the history of dispossession that enabled the eventual construction of this very building we convene in today. We're honored to have you and Chair Peters of the Squaxin Tribe here today. Along with other tribal members from the Nisqually and Squaxin Tribes. I'm wondering if you can all stand so we can acknowledge you today. I look forward to our continued government to government partnership here in the people's house.

Representative Fitzgibbon, thank you very much for nominating me. And thank you to the members of the House for placing your confidence in me again. I promise I will do my very best to meet that confidence with listening, hard work, and good policy. And Justice Montoya-Lewis, thank you for keeping me on track with that oath of office. And thank you for being here. I do think that when we have supreme court justices, swear us in, it helps to build our relationships between the judicial and the legislative branch. And I think that continuing to strengthen those is always something to work for.

Representative Harris, where are you in the very back there? Thank you for lifting us up with that wonderful rendition of the National Anthem. And Pastor Christopher, your motivating and inspirational words really set the tone for the work we're going to undertake here over the next several months. I'm so grateful you were able to be here today, my friend. And I wish you the best as you plan your retirement later this year.

Today, I'm going to talk a lot about family. Both our own family and our legislative one. Both, my own family. And how this also about how this Chamber and this institution are growing and transforming. Just like our state is. About why I know we can deliver results for the people of the state of Washington. And

about the challenges that confront us. And about how every single one of us in this Chamber, from every corner of the state can work together to do those things.

You know, the last time I delivered remarks to a packed House with actual visitors in the galleries was on the opening day of the 2020 session. My first, as Speaker of the House. At that time, none of us knew within weeks, in fact, I researched it, within seven days of us kicking off our legislative session, would we be faced with a global pandemic that completely changed how we work, how we socialize and how we live our lives. Many of my family members travelled from out of state to see me sworn in back in 2020, which was very special to me. And this year many of them have returned and they're up in the gallery. I'm going to ask them to stand, as I call them out. My sister Julie, my sister-in-law Toby, my niece Sasha, my sister-in-law Glenda and her husband, my backpacking buddy, Jim. My brother Todd is also here from Boise. Some of you may recall that Todd worked as a smoke jumper. And in January of 2020 he was fighting catastrophic wildfires in Australia and couldn't be here. I am forever in awe of his courage. And I'm so happy he's retired. And that he can, he can enjoy being a grandpa to Rory. So thank you for being here today.

One person who isn't here and is incredibly missed, is my dad Jack Jinkins. Dad passed away in 2020, really unexpectedly. But I'm incredibly grateful he was able to be here for the opening ceremonies in 2020 because he got to meet so many of you. And he loved being able to tell people stories about it back in Wisconsin where I grew up. I am however, really happy that my mom Donna is joining me today on the dyess.

My parents role modeling of what it means to live in a really small town and rely on each other to get things done even when you didn't always agree with each other, has been an integral part of the way that I operate in the legislature. I also want to acknowledge another loss. Not one in my immediate family, but our legislative one. This past fall, Jamie Walsh, the wife of Representative Jim Walsh, tragically lost her life in a car accident. Jim, we may not always agree on policy, but every single member of this Chamber is deeply saddened by your loss. We are keeping you and your family in our thoughts and in our hearts during these very difficult times.

Family is so important. And I obviously couldn't do this without the incredible loving support, advice, and sometimes a stern talking to from my partner of thirty-four years and wife of nearly ten years, Laura. And our son, who's soon to be graduating from Western Washington University, Wolf. Thank you both for letting me model the ability to love your family and love your job. Both at the same time.

You know, in my time as Speaker, we have held not one, but two mostly remote legislative sessions. A historic first and hopefully last in our state. I recognize that for some legislators, this may not be your first term. But it's your first ever opening day ceremony in person. You've never experienced this before. And I am so glad that you finally get to do that. I also want to welcome the twenty-three, yes, twenty-three new legislators. Now officially members of this body. I am excited to work with every single one of you. Welcome.

I mean, look, look around the makeup of this Chamber is more diverse than ever. That's something to celebrate. Because the people's house should reflect the diversity of this great state. Washingtonians sent more women and people of color from every corner of the state here to work together on issues that are most pressing to us. Their trust has once again been placed in US to get the job done over the next one hundred and five days. And we will deliver. Yes. Yes. Yes.

And we know we can because this legislature delivered during some of the most challenging, unprecedented times this state has ever experienced. We delivered with a Washington recovery budget to help working families, communities in small businesses, particularly those hit hardest by the pandemic, and who faced the greatest barriers to recovery. We delivered with billions of dollars in rent assistance, mortgage assistance, and utility assistance to keep folks housed and warm through the pandemic. We delivered with a transformational sixteen-year transportation package, Move Ahead Washington, that creates a sustainable and achievable future for our state. Thank you, seatmate Jake Fey for that.

We delivered with the Fair Start For Kids Act supporting our youngest learners. Their working parents and our economy that relies on the success of both to run smoothly. We delivered with support for our K-12 schools. Funding more school counselors and psychologists and school nurses and social workers to help our students. And we delivered with Apple Health and Homes to bring stable housing and community support services to our neighbors suffering from chronic homelessness. Thank you, Speaker Ameritas Chopp for that. We delivered with the Climate Commitment Act to limit greenhouse gas emissions, reduce pollution in overburdened communities, and invest in clean jobs and climate resilience.

And we delivered with the Working Families Tax Credit. Putting money back in the pockets of hundreds of thousands of working families in this state. Thank you, Representative Thai, and Representative Stokesbary for leading on that in this body. We did all of this and more, so much more, through two mostly remote sessions. Keeping the health of our staff and the public and each other at the forefront at all times. We can be proud of what we did. And that our legislature didn't have to shut down at all and stop work like so many other state legislatures had to. And we can be proud that Washington has weathered the last two years with our economy ranked best in the nation by Wallet Hub. And second-best state for doing business, according to CNBC.

But we know that those rankings don't tell the whole story, right? Even with our strong economy, there are families across Washington who are struggling. And there is still more work that we need to do to fully deliver on these successes we've achieved over the last couple of years. One of the things that people really need our help with is housing. Washington state needs about 1.1 million new homes built within the next couple of decades. Almost half of those homes are needed for people with very low or extremely low incomes. A market the private sector has never been able to serve and that will not be served without public funding. We have a big need for more housing of all kinds in every part of this state. And there is no single solution to doing that. There are many different ways to get there. And it's going to take creative, innovative, and bipartisan approaches to address the complexity of this problem.

But I'm confident that we can do this because the last few years have been all about finding creative and innovative solutions, right? If the pandemic has taught us anything, it's that a microscopic virus can completely upend the global economy and force us to rethink everything we do. Largely because of baby boomers launched into early retirements by COVID, we're confronting a changing workforce landscape. Which has exposed some really dire needs in many sectors. If not all sectors of our economy. There is no sector that hasn't been affected by these workforce challenges.

The last couple of years we've focused our energy, trying to help folks come out of the pandemic better than they went in. And even though we did better than almost any other state in the nation, there's still so much more to be done. So much of this comes back to workforce as an omnipresent presence over everything else we do this session. Because look, we can build the best behavioral health treatment centers in communities all over this state. But if we don't have enough staff to staff those beds, they will remain empty. And people will not get the care that they need. We can't provide critical health care to communities if hospitals are struggling with staffing issues and staff are weary to the bone because of shortages. We can't help parents access childcare and give businesses more certainty without enough childcare workers. And we can't give our kids the education they deserve without fixing the statewide shortage of teachers, and counselors and school nurses. We can't care for our aging population and support families caring for loved ones if we don't have enough people in the long-term care workforce. And we cannot adequately address public safety in our communities if our law enforcement agencies from the State Patrol to local police departments are struggling to fill positions.

This long list is all to say, this session is going to be a bit about Washington's workforce. Because it affects every sector. Every district. In every corner of this state. Rural and urban. East and west. Agricultural workers to high tech workers. This is an all-hands-on deck issue. Bipartisan. Bicameral. We all need to be aggressive and creative. Working together to solve workforce

challenges. And I'm really confident that we can do this because over the last few weeks I've met with nearly every freshman lawmaker from both sides of the aisle. What I've heard about is a desire for bipartisanship and working together. We may not always agree on everything, but these new legislators are incredibly ready to roll up their sleeves and to get to work on finding common, get working on finding common ground. That's refreshing and promising for this 105 day session.

You know, we've heard a lot from, for some time, about our nation being deeply divided. Mired in gridlock and partisan bickering. Heck, we just witnessed partisan bickering like none of us have ever seen in our lifetimes in the other Washington. I don't want to minimize the divisions that are out there. Immigrant communities, transgender youth and the right to bodily autonomy for every single one of us are all being attacked in an effort to stoke the fires of fear and partisanship.

But in this Washington, even if we disagree on these topics, our conversations will recognize the humanity of every person. They will be respectful and civil. And we will find the ways to protect the rights of every single Washingtonian in every corner of this state. No matter their race, their faith, their gender, their orientation or their identity.

In this Washington, nearly ninety five percent of the legislation passed every year is bipartisan. People are often surprised when I tell them that. But that's how it really is. Last biennium, more than a third of the bills passed, passed this chamber unanimously. That is a lot of common ground. But it's not easy. It's not easy. The bipartisan successes only happen when we're creative and we listen to our constituents into each other. They happen when we are patient with each other. And impatient about the problems we have to solve.

So, as we kick off the 2023 legislative session, I invite all of us to focus on our common ground. I believe the historic diversity in this chamber strengthens our ability to serve all Washingtonians. And it also brings us closer together by inviting us to stretch ourselves as we continue to adapt and advance. This is the people's house. And we are sent here by our constituents to do the people's work. So, let's get to it."

#### POINT OF PERSONAL PRIVILEGE

Representative Wilcox: "Thank you, Madame Speaker. Congratulations on your election to be Speaker. And congratulations on maybe the best speaker's first speech I've ever heard. Very impressive. I also want to congratulate you on your choice of guests here. It means a lot to me. To see Willie up there. And to know that so many other of the Nisqually Tribe and the Squaxins are here. I'm sure Pagan is looking on. She should have been up there. Really. It was good to see Hanford behind me. Chairman Peters, who's uncles I went to high school with.

This is a building of a lot of division, at times. We would like to overcome that as much as possible. We got a little taste over the last couple of years. What division feels like when you don't have human contact. And it wasn't good. Sometimes it's hard to come back into the building when you've been on the losing side of important debates. But when I see Willie up there, and I remember meeting him for the first time on a sand bank on our farm, in the Nisqually, with his dad, forty years ago, probably. And to realize that although my family had been there for five generations, his had walked the same ground for more than we can count. He is not bitter.

We know that we're capable of noble things in this building. But some people come to the Capital and remember in their history that in the 1850's, one of Willie's predecessors, as a leader in the Nisqually Tribe had surrendered. Was locked up for the night in the Governor's Office. And was assassinated overnight. Folks, I wasn't going to say any of this, but I'm moved. If Willie can be here, if Chairman Peters can be here, if Hanford and Pagan can be here, and work together to solve differences, we sure as heck, we better be able to do that. We couldn't have a better example than that.

I had a very unusual experience, a few weeks ago. An older man named Bob, he happens to be my daughter's new grandfather-in-law, mentioned that his grandfather had served in this building. And he didn't know what years, but he of course, knew his name. He had an unusual name, U.S. Ford. Representative U.S. Ford was

my daughter's grandfather-in-law's grandfather. And I found out a little bit more because I invited Bob to come to the Capital and find his grandfather in the portraits that are spread throughout the Capital. Bob's father was a carrier pilot in World War two. Was shot down and killed before he ever got to meet his son. U.S. Ford. Representative U.S. Ford helped raise Bob. And he died fairly young too so Bob didn't really have a lot of family. But he certainly raised a fine family. And when I think about the pride that Bob had for a man that served here eighty years ago, it gives me hope that eighty years from now, some of us are going to have children and grandchildren that are proud of our service here.

I hope everybody feels the same way I do when you drive up. And it works better early in the morning. And I'm kind of a morning guy. When you drive up here and the sun's just rising and you see that dome, it makes me feel like our forefathers and foremothers were not extravagant when they built one of the largest domes in the world. And made it look so inspiring because you can't walk here, you can't walk in this building without feeling inspired. And I don't think very many people, especially when you come in here the first time, feel like, I'm here, I'm a big deal. What you feel like is, this is a big deal. Our job is a big deal. The people that depend on us are a big deal.

We're going to come and go. Maybe our great grandchildren are going to come and look at our picture and remember a little bit about us. But the work is important. The inspiration is important. We aren't. I think the most inspiring thing that happens to me besides walking into this building, especially when it's empty, is to look at the faces of the people that even after, Laurie and I've been here for twelve years now, so maybe sometimes we get a little used to this position, but you go and talk to people that haven't been around government. And you can tell from their faces that they believe that you're capable of huge things. They believe that you're capable of way more than you know that you're capable of. That's our job to, to live up, to all those people.

Now I know that almost half of the members that are in this chamber now, Madame Speaker, have never been here for a regular session. I don't think there's any enterprise in life that is more about being human than politics. And a legislature is the place where human contact is the most important. We've seen conflict here. We've seen sometimes triumph. Sometimes we've lived up to the grandeur of the building. But the other thing that we've seen over time, I think, is less of a sense of reverence for our institution.

And so I would like to ask everyone, and I've talked to the newer legislators in my caucus about this too. We've had a time that's hard on all of us. Almost every institution in our communities and our country has been torn down to some extent. Let's be part of building one up. Let's honor this institution. Not by ever giving up. Not by forgetting our principles. But by persuading in the most effective way. Making an impact in the moment in that debate. But doing it in such a way that your opponents will have more respect for you, instead of less.

I sat down with Willie's dad when I was thinking about running for the very first time. And I've heard his dad talk about being the 'being arrested guy.' And no one had more reasons to be bitter than Billy Frank Jr., who was arrested fifty times. And I bet you that not a single one of those arrests were any fun. In fact, probably they were way worse than we can imagine. And what Billy said was JT, we've won in court, in fact, I think he said they're something like 14-0 in court. When we need legislation, we can often get the legislature to pass it. And we can get the governor to sign it. But it's all transitory. It all goes away unless you convince the people that are on the other side. That's how you accomplish things that are lasting. And that's what we should strive to do. Again, that doesn't mean giving up anything. But means remembering that there's going to be a debate tomorrow. And winning people's hearts is way more important than just scoring points.

We do have a lot of work to do. And there's going to be a bunch of stuff that we don't agree on, I'm sure. But as I've thought about our work this year, especially as I've done the press events that are necessary to this job, it occurs to me that there's really two kinds of jobs. In the majority, your job is to pass things. I'm a little jealous. For everybody else, House Republicans, the press, our constituents, it's our job to aggressively help you not make mistakes. And that should be your first goal too. I'm sure it is. There's a lot of brains in this building. There's a lot of brains

among the people that we represent and among the press. They're not all on one side of the aisle. Our job is to let you know when you might be wrong. Your job is to be open to that possibility and get better.

We have many of the same issues: affordability and inflation. I totally agree with you about workforce, and by the way, Madame Speaker, you've been using names so I'm going to feel free to use names too today. I'm so glad that Representative Ybarra came and asked me if he could switch committees, is working on education & workforce. I can't imagine a more qualified person than a man who grew up working hard in a working family. And is the best spokesperson that you could imagine to reach out to the one part of our workforce that is growing now. And is so often forgotten, so many people think that our Hispanic workforce is central Washington. It's not, it's all over the state.

And one of our major goals is going to be making sure that we don't allow any person in our state to be wasted. Not just as a workforce. But in terms of any kind of talent where we need those. We know that we still have problems in public safety. And Madame Speaker, it was good to fix some of those bills that were hastily passed a couple of years ago. And I went and shook the hands of one of your members who gave a remarkable speech where he started out with, 'I was wrong.' How many of us ever say that in public? We've got farther to go. And I think that we can help you with those.

We know that we still have problems in drug addiction. And it seems like it should be broadly agreeable that although the police and the criminal justice system are defective as the only or the first alternative for people struggling with addiction, they certainly can be part of the toolbox for that. And we have to restore our ability to include the criminal justice system in helping solve our addiction crisis.

And Madame Speaker, we certainly recognize that we've got lots of talent when it comes to housing. We've got my seatmate, Representative Andrew Barkis who has singlehandedly, housed thousands of people during his career. He tells me that we've got great opportunities or further progress in cooperation in that arena.

Madame Speaker, since we both agree that we've got big opportunities for solutions. And since I don't see a name plate here that says Adam Smith or Karl Marx, or anyone else who's famous for their ideology, let's work on the things we have in common first. Let's rush those bills through. So that we're not worried about the most important bills on the last day. Let's accomplish a lot in January and February. We know that we're going to have our fights, and I don't mean to disrespect anybody's ideology. We all have that. But let's make as much of our effort as possible, around accomplishing the best things for people. And save our fights for later.

Thanks, Madame Speaker."

#### **ELECTION OF SPEAKER PRO TEMPORE**

Representative Farivar: "Thank you, Madame Speaker. It is truly an honor to present this nomination today for my friend and mentor, Representative Orwall. Having been sworn in only moments ago, it is incredibly fitting that my first floor speech is also a floor speech and nomination for the first legislator I ever had the pleasure of working with. This is truly special for me.

The good member and I got to know each other through collaboration on the first version of her language access legislation. It is an incredibly ambitious and desperately needed piece of legislation which required patience, determination, and a strong co-governance leadership style.

Now I could talk on and on about how wonderful the good representative is. However, I want to focus in on co-governance and what that means and the incredible work she has done in this leadership style.

Madame Speaker, it means working hand in hand with impacted communities. In this case, it was immigrants and refugees who had loved ones with developmental disabilities. It means making ourselves and resources available for communities that seldom have their voices heard. It means making room at the table. Creating the opportunity for these experts to lead the conversation. And it means doing so while honoring accessibility, cross cultural communication for meaningful participation in true power sharing.

The role of Speaker Pro Tempore is incredibly important and it helps shape the culture of this body. It makes it possible for all of us to effectively work together to serve Washington State.

Madame Speaker, the good representative is exactly who we need. She's proven time and time again that she works hard to meet the needs of her constituents and peers. And takes extra care to support those who have been underrepresented much like myself and my community.

The good member has an incredible heart. Clear and focused mind to lead us. The experience we need to succeed. And a strong grasp of what equity looks like in practice. She makes everyone feel welcomed, empowered, and valued. And has already been doing this work in this very Chamber.

Madame Speaker, I know she will continue to do this great work if elected today.

Thank you for the opportunity."

#### **MOTIONS**

Representative Fitzgibbon moved that the nominations for the Office of Speaker Pro Tempore of the House of Representatives be closed. The motion was carried.

Representative Fitzgibbon moved that Representative Tina Orwall be elected Speaker Pro Tempore of the House of Representatives. The motion was carried.

Representative Tina Orwall was elected Speaker Pro Tempore of the House of Representatives.

Representative Farivar escorted Speaker Pro Tempore Orwall to the rostrum.

#### **OATH OF OFFICE**

Justice Montoya-Lewis administered the Oath of Office to Speaker Pro Tempore Orwall.

#### **ELECTION OF DEPUTY SPEAKER PRO TEMPORE**

Representative Donaghy: "Thank you, Madame Speaker. Deputy Bronoski is a firefighter. And as such, it's important that he do his job with a non-biased view. And be very responsive.

Being responsive and non-biased is also a very good skill to have when presiding over this chamber. He's already demonstrated that he has those abilities. And it's important that we give him the opportunity to continue to do so.

Thank you."

#### **MOTIONS**

Representative Fitzgibbon moved that the nominations for Deputy Speaker Pro Tempore of the House of Representatives be closed. The motion was carried.

Representative Fitzgibbon moved that Representative Dan Bronoske be elected Deputy Speaker Pro Tempore of the House of Representatives. The motion was carried.

Representative Dan Bronoske was elected Deputy Speaker Pro Tempore of the House of Representatives.

Representative Donaghy escorted Deputy Speaker Pro Tempore Bronoske to the rostrum.

#### **OATH OF OFFICE**

Justice Montoya-Lewis administered the Oath of Office to Deputy Speaker Pro Tempore Bronoske.

#### **ELECTION OF THE CHIEF CLERK**

Representative Reeves: "Thank you, Madame Speaker. Today I rise in support of the nomination for Bernard Dean as Chief Clerk of our institution. Many people, when they hear that term, think of some guy pushing up his glasses in the back room,

shuffling around a lot of papers. And while that's absolutely a core function of the job of the Chief Clerk's office, when I think of this place as a political institution and a place of work, I think of the Chief Clerk as our Chief Operations Officer.

I can tell you, I think most of us would agree. I hope we would agree that there are kind of three key things that we are looking for in a Chief Clerk, as our Chief Operations officer. We're looking for somebody who respects the magnitude of this institution. And the importance of the work that we do here. We're looking for somebody who's willing to adapt to change. And to help us manage through that change. And most importantly, we are looking for somebody who understands how important the processes and the systems that we use in this place need to be to work for everyone.

It's why I think it's so important that Mr. Dean, who has managed us through two remote sessions and making sure that the institution and the processes that we bring here worked for all of us. I think it's important, my colleague here tells me, that we're in the works of trying to welcome dogs into the House of Representatives under Mr. Dean's leadership. But ultimately that Mr. Dean has done the work to demonstrate both his commitment to this institution. To the processes that work for us all. And to making sure that he's open to adapting to change as necessary.

Under his leadership, we've made sure that remote sessions work. We've seen the development of an HR office here. And we've enacted a code of conduct. These are all important systems and tools that ensure that this is a respectful workplace.

So for those reasons and many more and my own personal, my own personal preference is that he is a WSU Cougar – Go! Cougs!

I'd like to, I ask respectfully for your vote for Mr. Bernard Dean as Chief Clerk of this institution."

Representative Maycumber: "Thank you, Madame Speaker. I second the nomination for Bernard Dean for Chief Clerk for the House of Representatives for the 2023 legislative session. In true 7th district fashion, I was gonna make a bunch of jokes and make it lighthearted, but I do see that Mr. and Mrs. Dean are here today. So I do want to say a few kind words about Bernard. And all the things he's done for us. And it's nice to see you.

In the last two years, I will say that Bernard had to pretty much put together all of our rules that we had set for him. And then he had to come out and make sure it all worked with a team, of course, but it was very difficult. I will mention, he said not to talk about his extensive resume. But I, one of my key points was he is a WSU grad, which is very important to us, Eastern Washington folks.

And in addition, he served as Deputy Chief Clerk from 2007 to 2016, which is really important. He understands the job. He understands the policy. And he really cares about bringing everyone together and making sure all our voices are heard.

For those new members, I want to make sure that you go in there and speak to him and get to know him. It's very important. But also, at midnight, he also has a bunch of snacks in his office that are open and free game and very important. And a lot of you, now that I've told the secret, are staring at me at the rostrum.

But I want to take a moment, when this politics world seems very divided, he is someone who brings people's faith in the institution back. Bernard takes very strong responsibility for this role. And he makes sure that we hold it to the highest standard possible. And I thank him for that. As each one of us try to serve our constituents to the best of our ability, he's encouraging us and leading this institution with a calm demeanor. Although some of us have seen the other side. But yes, a calm demeanor. He's insightful because he does understand the institution and the job. And he has a desire for collaboration and inclusion. And I thank him for that.

In short, Madame Speaker, he is the right person for the right time and the right job. And as we move forward with everyone here, it is nice to see all the faces. And I know he appreciated it. As he is one of the few people that were here full-time while many of us, many of you weren't, I was here full-time too. But it's nice to have everyone back and it's nice to have Bernard Dean, as our Chief Clerk.

And I recommend an 'aye' vote."

## MOTIONS

Representative Fitzgibbon moved that the nominations for the office of Chief Clerk of the House of Representatives be closed. The motion was carried.

Representative Fitzgibbon moved that Bernard Dean be elected Chief Clerk of the House of Representatives. The motion was carried.

Bernard Dean was elected Chief Clerk of the House of Representatives.

Representative Reeves and Representative Maycumber escorted Chief Clerk Dean to the rostrum.

## OATH OF OFFICE

Justice Montoya-Lewis administered the Oath of Office to Chief Clerk Dean.

Chief Clerk Dean: "Thank you, Justice Montoya-Lewis and Speaker Jinkins. Representatives Reeves and Maycumber, I appreciate your kind remarks.

Thank you for the opportunity to continue to serve as Chief Clerk. I also want to thank my family who have been a constant source of support and encouragement.

It is an honor and a privilege to have been part of this institution for over 22 years. I started out as a staffer on the Appropriations Committee, putting in the long hours, crunching numbers and doing the research to provide members with the information they need to make informed budget and policy decisions.

I've been here through economic prosperity, through recessions, through the tie, and even through an earthquake!

As Chief Clerk, I leaned in, as we challenged ourselves to look inward as an institution and decide that we want the House to be a place that prioritizes and promotes a respectful workplace, a safe workplace—a place where harassment of any sort is not excused or tolerated.

The constant throughout my time here has been the dedication of the people—both elected and employed. That dedication shone bright during the unprecedented crisis of a global pandemic.

For the last three years I worked alongside our team to navigate the challenges of COVID. This crisis required us to think outside the box and act quickly to keep members and staff safe, maintain House operations, and support remote legislative work.

New innovations like remote testimony allowed greater public participation in committee hearings and made it easier for residents throughout the state to participate in the process.

We owe a debt of gratitude to all our staff who once again rose to challenge. Their smarts, creativity, and unwavering commitment to public service enabled us to conduct two legislative sessions safely and successfully without any major disruption.

A special thank you to the Legislative Service Center for developing the technology that made it all possible. You are exceptional!

Many thanks to Deputy Chief Clerk Melissa Palmer and our office staff. This place would not run smoothly without you.

To the new members, take stock in this moment and in the incredible opportunity to serve in the people's house. And know that you have the best and the brightest to support you.

Condoleezza Rice put it well when she said, "There is no greater challenge and there is no greater honor than to be in public service."

Thank you, I look forward to a productive session."

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4600**, by Representatives Fitzgibbon and Kretz

BE IT RESOLVED, That a committee consisting of four members of the House of Representatives be appointed by the

Speaker of the House to notify the Governor that the House is organized and ready to conduct business.

Representative Fitzgibbon moved adoption of HOUSE RESOLUTION NO. 4600.

Representative Fitzgibbon spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4600 was adopted.

The Speaker appoints Representatives Connors, Couture, Mena and Timmons to notify the Governor that the House is organized and ready to do business.

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

### INTRODUCTION & FIRST READING

HB 1000 by Representatives Stokesbary, Corry, Barkis, Graham, Griffey, Robertson and Caldier

AN ACT Relating to providing sales tax relief by expanding the working families' tax credit; reenacting and amending RCW 82.08.0206; and providing an effective date.

Referred to Committee on Finance.

HB 1001 by Representatives Leavitt, Rude, Ryu, Simmons, Goodman, Pollet, Doglio, Orwall, Macri, Caldier, Reeves, Bronoske, Kloba and Riccelli

AN ACT Relating to the audiology and speech-language pathology interstate compact; adding a new chapter to Title 18 RCW; and providing a contingent effective date.

Referred to Committee on Postsecondary Education & Workforce.

HB 1002 by Representatives Leavitt, Thai, Ryu, Berry, Reed, Lekanoff, Senn, Doglio, Reeves, Bronoske, Kloba and Riccelli

AN ACT Relating to increasing the penalty for hazing; amending RCW 28B.10.901, 9.94A.411, 9.94A.515, and 9A.46.060; creating a new section; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1003 by Representatives Stokesbary, Jacobsen, Graham, Rude and Griffey

AN ACT Relating to expanding access to dual credit programs; amending RCW 28A.600.287 and 28B.92.030; reenacting and amending RCW 28A.600.310; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28B.77 RCW; adding a new section to chapter 28B.92 RCW; creating a new section; and repealing RCW 28A.320.196, 28A.600.290, 28B.76.730, 43.131.427, and 43.131.428.

Referred to Committee on Education.

HB 1004 by Representatives Abbarno, Orcutt, Berry, Simmons, Graham, Schmidt, Christian, Lekanoff, Griffey, Dye, Klicker, Wylie, Cheney, Davis and Riccelli

AN ACT Relating to installing signs on or near bridges to provide information to deter jumping; amending RCW 36.86.040, 47.36.030, and 81.36.100; adding a new section to chapter 35.21 RCW; adding a new section to chapter 47.04 RCW; adding a new section to chapter 47.36 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 79.10

RCW; adding a new section to chapter 79A.05 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 1005 by Representatives Abbarno, Graham, Leavitt, Christian, Griffey, Robertson, Orwall, Dye, Caldier, Klicker, Orcutt and Cheney

AN ACT Relating to employer tax incentives for the support of veterans and military families; amending RCW 82.04.4498 and 82.16.0499; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 1006 by Representatives Orwall, Mosbrucker, Goodman, Davis, Hackney, Simmons, Griffey, Peterson, Leavitt, Ryu, Bateman, Reed, Graham, Ramel, Pollet, Doglio, Rude, Macri, Caldier, Reeves, Wylie, Gregerson, Kloba, Riccelli, Farivar and Fosse

AN ACT Relating to expanding access to drug testing equipment to promote community safety; and amending RCW 69.50.102 and 69.50.4121.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1007 by Representatives Paul, Stokesbary, Bergquist, Leavitt, Simmons, Griffey, Callan, Doglio, Timmons, Reeves, Bronoske, Shavers, Riccelli and Ormsby

AN ACT Relating to interruptive military service credit for members of the state retirement systems; and amending RCW 41.04.005.

Referred to Committee on Appropriations.

HB 1008 by Representatives Bronoske, Simmons, Goodman, Leavitt, Bateman, Lekanoff, Callan, Kloba, Santos, Ormsby and Fosse

AN ACT Relating to participating in insurance plans and contracts by separated plan 2 members of certain retirement systems; amending RCW 41.05.011; and providing an effective date.

Referred to Committee on Appropriations.

HB 1009 by Representatives Leavitt, Barkis, Ryu, Paul, Donaghy, Slatter, Simmons, Low, Volz, Schmidt, Christian, Lekanoff, Griffey, Doglio, Robertson, Orwall, Caldier, Reeves, Bronoske, Bergquist, Shavers, Riccelli and Ormsby

AN ACT Relating to military spouse employment; amending RCW 18.340.020 and 73.04.150; adding new sections to chapter 18.340 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 43.60A RCW; adding a new section to chapter 38.42 RCW; and creating new sections.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1010 by Representatives Chapman, McEntire, Dent, Reed, Griffey, Reeves and Kloba

AN ACT Relating to the sanitary control of shellfish; adding a new section to chapter 69.30 RCW; and declaring an emergency.

Referred to Committee on Agriculture and Natural Resources.

HB 1011 by Representatives Abbarno, Corry, Dent, Barkis, Griffey, Ybarra, Walsh, Schmidt, Robertson, Couture,

Stokesbary, Chambers, Hutchins, Eslick, Volz, Sandlin, Jacobsen, Klicker, Graham, Steele, McClintock, Connors, Christian, Rude, Dye, Caldier, Schmick, Orcutt, Springer, Barnard and Cheney

AN ACT Relating to repealing the long-term services and supports trust program; creating a new section; repealing RCW 50B.04.010, 50B.04.020, 50B.04.030, 50B.04.040, 50B.04.050, 50B.04.055, 50B.04.060, 50B.04.070, 50B.04.080, 50B.04.085, 50B.04.088, 50B.04.090, 50B.04.095, 50B.04.100, 50B.04.110, 50B.04.120, 50B.04.130, 50B.04.140, 50B.04.150, 50B.04.160, 50B.04.170, and 50B.04.900; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1012 by Representatives Leavitt, Robertson, Ryu, Simmons, Reed, Ramel, Lekanoff, Pollet, Callan, Doglio, Orwall, Macri, Timmons, Donaghy, Reeves, Wylie, Bronoske, Paul, Springer and Thai

AN ACT Relating to responding to extreme weather events; amending RCW 38.52.105; adding a new section to chapter 38.52 RCW; and creating new sections.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1013 by Representatives Maycumber, Santos, Ybarra, Stonier, Dent, Goodman, Tharinger, Riccelli, Lekanoff, Rude, Walen, Robertson, Mosbrucker, Berry, Stokesbary, Fey, Harris, McClintock, Bronoske, Waters, Duerr, Hackney, Klicker, Kretz, Couture, Barnard, Walsh, Chapman, Griffey, Chopp, Leavitt, Ryu, Low, Barkis, Simmons, Schmidt, Sandlin, Bateman, Reed, Graham, Christian, Timmons, Pollet, Street, Rule, Connors, Cortes, Callan, Doglio, Orwall, Caldier, Reeves, Wylie, Bergquist, Thai, Kloba, Cheney and Ormsby

AN ACT Relating to establishing regional apprenticeship programs through educational service districts; adding a new section to chapter 28A.310 RCW; and creating a new section.

Referred to Committee on Education.

HB 1014 by Representatives Abbarno, Bronoske, Ryu, Simmons, Bateman, Graham, Ramel, Griffey, Dye, Klicker, Orcutt and Cheney

AN ACT Relating to capital projects for the provision of fire protection services; and adding a new chapter to Title 43 RCW.

Referred to Committee on Capital Budget.

HB 1015 by Representatives Santos, Ybarra, Bergquist, Stonier, Leavitt, Rude, Jacobsen, Simmons, Reed, Lekanoff, Goodman, Pollet, Ortiz-Self, Callan, Doglio, Reeves, Tharinger, Wylie, Paul, Thai, Springer and Ormsby

AN ACT Relating to minimum employment requirements for paraeducators; amending RCW 28A.413.040; and declaring an emergency.

Referred to Committee on Education.

HB 1016 by Representatives Chapman, Volz, Goodman and Griffey

AN ACT Relating to creating a wine retailer shipper's permit; amending RCW 66.20.365; and adding a new section to chapter 66.20 RCW.

Referred to Committee on Regulated Substances & Gaming.

HB 1017 by Representatives Ryu, Leavitt, Chambers, Simmons, Jacobsen, Reed, Graham, Lekanoff, Caldier, Timmons, Reeves, Tharinger, Springer, Thai, Santos and Riccelli

AN ACT Relating to expediting licensure for cosmetologists, hair designers, barbers, manicurists, and estheticians; and amending RCW 18.16.090.

Referred to Committee on Consumer Protection & Business.

HB 1018 by Representatives Tharinger, Chapman, Orcutt, Abbarno, Fey, Ryu and Wylie

AN ACT Relating to changing the expiration date for the sales and use tax exemption of hog fuel to comply with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities; amending RCW 82.08.956, 82.12.956, and 82.32.605; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

HB 1019 by Representatives Dent, Chapman, Ryu, Corry, Sandlin, Reeves, Springer, Schmick and Davis

AN ACT Relating to creating the pesticide advisory board; adding a new section to chapter 17.21 RCW; and creating a new section.

Referred to Committee on Agriculture and Natural Resources.

HB 1020 by Representatives Morgan, Callan, Ryu, Simmons, Reed, Gregerson, Thai and Ormsby

AN ACT Relating to the state dinosaur; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1021 by Representatives Thai, Orwall, Leavitt, Ryu, Simmons, Reed, Lekanoff, Callan, Macri, Reeves, Wylie, Kloba and Ormsby

AN ACT Relating to aligning social worker licensing requirements with national standards and requirements for other mental health professionals; amending RCW 18.225.090; and creating a new section.

Referred to Committee on Postsecondary Education & Workforce.

HB 1022 by Representatives Chapman, Reed, Lekanoff, Reeves, Chopp, Wylie, Kloba and Riccelli

AN ACT Relating to providing additional support and services for veterans' assistance and for persons with developmental disabilities or mental health needs; amending RCW 71.20.110, 73.08.080, 84.52.043, 84.52.043, 84.52.010, 84.52.010, and 84.55.005; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Local Government.

HB 1023 by Representatives Walen, Goodman, Reeves, Thai and Ormsby

AN ACT Relating to the elimination of wire tap authorization reporting to the administrative office of the courts; and repealing RCW 9.73.120.

Referred to Committee on Civil Rights & Judiciary.



HB 1024 by Representatives Simmons, Reed, Berry, Ryu, Goodman, Bateman, Ramel, Peterson, Street, Doglio, Macri, Reeves, Wylie, Alvarado, Thai, Santos, Ormsby and Fosse

AN ACT Relating to labor and income of incarcerated persons; amending RCW 10.01.160, 72.09.015, 72.09.100, 72.09.110, 72.09.111, 72.09.130, 72.09.460, and 72.09.480; reenacting and amending RCW 9.94A.760; adding a new section to chapter 72.09 RCW; creating new sections; repealing RCW 72.09.400 and 72.09.410; and providing an effective date.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1025 by Representatives Thai, Reed, Berry, Ryu, Simmons, Bateman, Fitzgibbon, Farivar, Peterson, Alvarado, Pollet, Street, Cortes, Doglio, Macri, Gregerson, Stonier, Kloba and Santos

AN ACT Relating to creating a private right of action for harm from violations of the state Constitution or state law by peace officers; adding a new chapter to Title 7 RCW; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1026 by Representatives Walen, Duerr, Bateman, Reed, Fitzgibbon, Ramel, Peterson, Macri, Tharinger, Wylie and Santos

AN ACT Relating to local government design review; and amending RCW 36.70B.020 and 36.70B.120.

Referred to Committee on Housing.

HB 1027 by Representatives Riccelli, Schmick, Ryu, Simmons, Duerr, Reed, Lekanoff, Pollet, Doglio, Macri, Timmons, Reeves, Tharinger, Wylie, Thai, Stonier, Ormsby, Farivar and Fosse

AN ACT Relating to extending the time frame in which real-time telemedicine using both audio and video technology may be used to establish a relationship for the purpose of providing audio-only telemedicine for certain health care services; and amending RCW 41.05.700, 48.43.735, and 74.09.325.

Referred to Committee on Health Care & Wellness.

HB 1028 by Representatives Orwall, Mosbrucker, Ryu, Simmons, Goodman, Reed, Lekanoff, Pollet, Callan, Doglio, Macri, Caldier, Reeves, Wylie, Gregerson, Davis, Ormsby and Fosse

AN ACT Relating to supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system; amending RCW 5.70.040, 5.70.050, 5.70.060, 9A.04.080, 43.101.272, 43.101.276, 43.101.278, 7.68.170, 43.43.545, 7.68.380, 43.185C.260, and 7.69.030; adding a new section to chapter 43.10 RCW; adding new sections to chapter 43.101 RCW; adding a new section to chapter 43.280 RCW; adding a new section to chapter 70.02 RCW; adding a new section to chapter 7.68 RCW; creating a new section; repealing RCW 43.101.270; providing an effective date; and providing expiration dates.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1029 by Representatives Jacobsen, Walsh, Graham, Christian, Griffey, Rude and Caldier

AN ACT Relating to reemployment of state workers dismissed from employment due to vaccine mandates; adding a new section to chapter 43.01 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1030 by Representatives Leavitt, Jacobsen, Pollet, Reeves and Bronoske

AN ACT Relating to applied doctorate degree-granting authority; adding a new section to chapter 28B.35 RCW; and repealing RCW 28B.35.215, 28B.35.216, and 28B.35.218.

Referred to Committee on Postsecondary Education & Workforce.

HB 1031 by Representatives Low, Ryu, Schmidt, Christian, Reeves and Ramos

AN ACT Relating to the medal of valor award presentation; and amending RCW 1.60.030.

Referred to Committee on State Government & Tribal Relations.

HB 1032 by Representatives Dent, Chapman, Ryu, Reed, Graham, Ramel, Pollet, Griffey, Reeves, Tharinger, Wylie, Springer, Kloba and Donaghy

AN ACT Relating to mitigating the risk of wildfires through electric utility planning and identification of best management practices appropriate to each electric utility's circumstances; amending RCW 76.04.780; adding a new section to chapter 43.21F RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 19.29A RCW; and creating a new section.

Referred to Committee on Agriculture and Natural Resources.

HB 1033 by Representatives Walen, Ryu, Reed, Fitzgibbon, Pollet, Callan, Doglio, Macri, Gregerson, Davis, Santos, Ormsby and Fosse

AN ACT Relating to evaluating compostable product usage in Washington; adding a new section to chapter 70A.205 RCW; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1034 by Representatives Walen, Leavitt, Goodman, Bateman, Slatter, Fitzgibbon, Ramel, Peterson, Orwall, Macri, Wylie, Gregerson, Thai, Springer, Bergquist, Pollet, Stonier, Santos, Donaghy, Ormsby and Fosse

AN ACT Relating to prohibiting fur farming; amending RCW 16.72.010; adding new sections to chapter 16.72 RCW; creating a new section; repealing RCW 16.72.020, 16.72.030, and 16.72.040; prescribing penalties; providing an effective date; and providing expiration dates.

Referred to Committee on Agriculture and Natural Resources.

HB 1035 by Representatives Walen, Ryu, Simmons, Goodman, Bateman, Reed, Ramel, Duerr, Street, Callan, Doglio, Macri, Tharinger, Wylie, Gregerson, Bergquist, Thai, Kloba, Santos, Ormsby and Fosse

AN ACT Relating to prohibiting health care entities from restricting the provision of certain health care services by health care providers; and amending RCW 70.400.010, 70.400.020, and 70.245.190.

Referred to Committee on Health Care & Wellness.

HB 1036 by Representatives Walen, Duerr, Graham, Ramel, Peterson, Doglio, Caldier, Donaghy, Wylie, Ormsby and Fosse

AN ACT Relating to duty of clergy to report child abuse or neglect; amending RCW 26.44.030 and 9A.04.080; and reenacting and amending RCW 26.44.020.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1037 by Representative Walsh

AN ACT Relating to family burial grounds on privately owned property; amending RCW 68.05.400, 68.20.010, 68.20.140, and 68.50.130; adding a new section to chapter 68.04 RCW; and adding a new chapter to Title 68 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1038 by Representatives Taylor, Harris, Reed, Walen, Schmidt and Stonier

AN ACT Relating to licensure of anesthesiologist assistants; amending RCW 18.130.040, 18.130.040, and 18.120.020; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1039 by Representatives Macri, Harris, Corry, Duerr, Riccelli, Chambers, Goodman, Reed, Fitzgibbon, Pollet, Ryu, Paul, Thai, Springer, Stonier, Kloba, Santos and Ormsby

AN ACT Relating to physical therapists performing intramuscular needling; amending RCW 18.74.010; and adding a new section to chapter 18.74 RCW.

Referred to Committee on Health Care & Wellness.

HB 1040 by Representatives Dent, Orwall, Corry, Ryu, Schmidt, Christian, Sandlin and Davis

AN ACT Relating to establishing an aviation and aerospace advisory committee; adding a new section to chapter 43.330 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1041 by Representatives Bateman, Macri, Ryu, Simmons, Goodman, Reed, Taylor, Callan, Doglio, Reeves, Wylie, Gregerson, Stonier, Kloba and Ormsby

AN ACT Relating to authorizing the prescriptive authority of psychologists; amending RCW 18.83.010, 18.83.035, 18.83.050, 18.83.080, 18.83.090, 18.64.011, and 18.79.260; reenacting and amending RCW 69.50.101; adding new sections to chapter 18.83 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1042 by Representatives Walen, Ryu, Barkis, Simmons, Duerr, Goodman, Bateman, Reed, Ramel, Peterson, Pollet, Doglio, Macri, Reeves, Mena, Tharinger, Wylie, Gregerson, Springer, Bergquist, Thai, Kloba, Santos and Ormsby

AN ACT Relating to the creation of additional housing units in existing buildings; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Housing.

HB 1043 by Representatives McEntire, Leavitt and Walsh

AN ACT Relating to association records in common interest communities; and amending RCW 64.32.170, 64.34.372, and 64.38.045.

Referred to Committee on Housing.

HB 1044 by Representatives McEntire, Graham, Couture, Sandlin, Walsh, Rude, Caldier and Santos

AN ACT Relating to capital financial assistance to small school districts with demonstrated funding challenges; amending RCW 28A.525.159; adding a new section to chapter 28A.525 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1045 by Representatives Berry, Peterson, Ryu, Simmons, Goodman, Bateman, Reed, Ramel, Pollet, Street, Senn, Doglio, Macri, Mena, Wylie, Gregerson and Ormsby

AN ACT Relating to creating the evergreen basic income pilot program; amending RCW 74.04.005, 43.216.1368, 43.185C.220, and 26.19.071; reenacting and amending RCW 10.101.010; adding a new section to chapter 43.216 RCW; adding a new chapter to Title 74 RCW; and creating a new section.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1046 by Representatives Walen, Leavitt, Ryu, Bateman, Peterson, Doglio, Reeves, Wylie, Bergquist, Springer, Kloba, Santos and Ormsby

AN ACT Relating to expanding housing supply by supporting the ability of public housing authorities to finance affordable housing developments by rebenchmarking area median income limits; and amending RCW 35.82.070.

Referred to Committee on Housing.

HB 1047 by Representatives Mena, Ryu, Berry, Simmons, Duerr, Goodman, Bateman, Reed, Fitzgibbon, Ramel, Doglio, Orwall, Macri, Gregerson, Thai, Stonier, Santos, Riccelli and Ormsby

AN ACT Relating to the use of toxic chemicals in cosmetic products; amending RCW 43.21B.110 and 43.21B.300; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1048 by Representatives Mena, Simmons, Goodman, Berry, Ramel, Peterson, Pollet, Doglio, Macri, Morgan, Wylie, Gregerson, Bergquist, Street, Cortes, Santos, Ormsby and Farivar

AN ACT Relating to enhancing the Washington voting rights act; amending RCW 29A.92.010, 29A.92.030, 29A.92.040, 29A.92.060, 29A.92.090, 29A.92.110, 29A.92.070, 29A.92.080, 29A.92.130, and 36.32.020; adding new sections to chapter 29A.92 RCW; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1049 by Representatives Doglio, Bateman, Riccelli and Ormsby

AN ACT Relating to updating timelines for adopting county commissioner district boundaries following expansion from three to five commissioners; and amending RCW 36.32.0552.

Referred to Committee on State Government & Tribal Relations.

HB 1050 by Representatives Riccelli, Berry, Simmons, Ryu, Goodman, Reed, Ramel, Lekanoff, Pollet, Street, Doglio, Donaghy, Wylie, Santos, Ormsby and Fosse

AN ACT Relating to expanding apprenticeship utilization requirements; amending RCW 39.04.320; and providing an effective date.

Referred to Committee on Capital Budget.

HB 1051 by Representatives Leavitt, Walen, Simmons, Ryu, Goodman, Fitzgibbon, Pollet, Doglio, Orwall, Macri, Timmons, Wylie, Bronoske, Ramos, Thai and Kloba

AN ACT Relating to robocalling and telephone scams; amending RCW 80.36.400, 80.36.390, and 19.158.020; creating a new section; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

HB 1052 by Representatives Ramel, Lekanoff, Bateman, Reed, Pollet, Walen, Doglio and Kloba

AN ACT Relating to providing a property tax exemption for qualified real and personal property owned or used by a nonprofit entity in providing qualified housing funded in whole or part through a local real estate excise tax; amending RCW 84.36.560; and creating a new section.

Referred to Committee on Finance.

HB 1053 by Representatives Robertson, Mosbrucker, Corry, Barkis, Griffey, Walsh, Low, Abbarno, Couture, Stokesbary, Chambers, Hutchins, Ybarra, Schmidt, Dent, Jacobsen, Sandlin, Graham, Steele, Christian, McClintock, Goehner, Connors, Rude, Caldier, Barnard, Cheney and Maycumber

AN ACT Relating to vehicular pursuits; amending RCW 10.116.060; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1054 by Representatives Walen, Simmons, Ryu, Bateman, Ramel, Doglio, Macri, Gregerson, Springer, Thai, Kloba and Donaghy

AN ACT Relating to the authority of owners' associations in common interest communities to regulate or limit occupancy by unrelated persons; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; and adding a new section to chapter 64.90 RCW.

Referred to Committee on Housing.

HB 1055 by Representatives Stokesbary, Ormsby, Leavitt, Simmons, Goodman, Lekanoff, Rule, Robertson, Bronoske, Bergquist and Davis

AN ACT Relating to public safety employees' retirement plan membership for public safety telecommunicators; amending RCW 41.37.005 and 41.37.010; adding a new section to chapter 41.37 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 1056 by Representatives Stokesbary, Fitzgibbon, Leavitt, Simmons, Lekanoff, Rule, Griffey, Macri, Bergquist, Wylie and Ormsby

AN ACT Relating to repealing some postretirement employment restrictions; amending RCW 41.32.765, 41.32.802, 41.32.862, 41.32.875, 41.35.060, 41.35.420, 41.35.680, 41.40.630, and 41.40.820; and providing an effective date.

Referred to Committee on Appropriations.

HB 1057 by Representatives Stokesbary, Fitzgibbon, Leavitt, Simmons, Rude, Bateman, Pollet, Street, Goodman, Robertson, Macri, Donaghy, Bronoske, Paul, Bergquist, Wylie, Kloba and Ormsby

AN ACT Relating to providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; amending RCW 41.32.4992 and 41.40.1987; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1058 by Representatives Paul, Orcutt, Simmons, Ryu, Reed, Ramel, Lekanoff, Sandlin, Macri, Timmons, Wylie, Shavers, Kloba and Ormsby

AN ACT Relating to streamlining the licensing process for a commercial driver's license by allowing the department to waive requirements for applicants that previously surrendered the license, allowing the license to be renewed online, and modifying the license test fees; amending RCW 46.25.088 and 46.25.060; and providing an effective date.

Referred to Committee on Transportation.

HB 1059 by Representatives Walen, Duerr, Rule, Doglio, Timmons, Reeves, Wylie, Thai, Kloba and Ormsby

AN ACT Relating to protecting minors from sexual exploitation; and amending RCW 9.68A.040 and 9.68A.053.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1060 by Representatives Corry, Berry, Walen and Reeves

AN ACT Relating to reorganization of domestic mutual insurers; and adding new sections to chapter 48.09 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1061 by Representatives Ryu, Corry and Reeves

AN ACT Relating to the elimination of preclicensing education requirements for licensed insurance producers; and amending RCW 48.17.090.

Referred to Committee on Consumer Protection & Business.

HB 1062 by Representatives Peterson, Simmons, Bateman, Reed, Doglio, Orwall, Macri, Gregerson, Thai, Stonier, Santos and Farivar

AN ACT Relating to the use of deception by law enforcement officers during custodial interrogations; and adding a new chapter to Title 10 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1063 by Representative Corry

AN ACT Relating to modifying the operation of motorcycles on roadways laned for traffic; amending RCW 46.61.608; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

HB 1064 by Representatives Jacobsen, Rude and Walsh

AN ACT Relating to school safety capital grants; and adding a new section to chapter 28A.525 RCW.

Referred to Committee on Capital Budget.

HB 1065 by Representatives Ryu, Reed, Callan, Wylie, Kloba and Ormsby

AN ACT Relating to online marketplace consumer product theft and safety protection; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 1066 by Representatives Goodman, Abbarno, Simmons and Kloba

AN ACT Relating to making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025; amending RCW 10.99.033, 7.68.360, 18.85.285, 19.27.190, 24.46.010, 28A.160.090, 28A.515.320, 28B.30.537, 28B.30.900, 28B.50.281, 28C.18.130, 28C.18.140, 31.24.030, 34.05.330, 35.02.260, 35.13.171, 35.21.300, 36.01.120, 36.70A.085, 36.70A.131, 36.70B.040, 36.70B.080, 36.93.080, 36.110.030, 39.04.156, 39.19.240, 39.34.230, 39.35D.080, 39.44.210, 39.44.230, 39.84.090, 40.10.020, 41.06.072, 43.20A.037, 43.20A.790, 43.21A.510, 43.21A.515, 43.21A.612, 43.21G.010, 43.22.495, 43.22A.020, 43.23.035, 43.30.835, 43.31.205, 43.31.504, 43.31.970, 43.63A.115, 43.63A.135, 43.63A.155, 43.63A.230, 43.63A.275, 43.63A.400, 43.63A.410, 43.63A.720, 43.63A.735, 43.63A.764, 43.70.540, 43.132.030, 43.132.810, 43.133.030, 43.133.050, 43.150.040, 43.163.020, 43.163.120, 43.168.010, 43.176.030, 43.176.901, 43.180.040, 43.180.200, 43.180.220, 43.185A.100, 43.185C.200, 43.210.030, 43.210.060, 43.270.020, 43.270.070, 43.270.080, 43.310.020, 43.325.100, 43.325.110, 43.330.065, 43.330.904, 43.332.010, 47.01.440, 47.12.064, 47.39.040, 47.39.069, 47.39.090, 47.50.090, 47.76.230, 49.04.200, 50.38.030, 50.72.030, 53.36.030, 54.16.285, 54.52.020, 57.46.010, 57.46.020, 59.18.440, 59.24.020, 59.24.050, 59.24.060, 59.28.030, 59.28.040, 59.28.050, 59.28.060, 59.28.120, 64.34.442, 66.08.195, 66.08.198, 67.28.8001, 67.38.070, 70.62.290, 70.114A.070, 70.136.030, 70A.50.020, 70A.205.210, 70A.205.710, 71.09.255, 72.09.055, 72.65.210, 76.56.020, 79.105.600, 79A.30.050, 79A.50.100, 79A.60.480, 80.36.440, 80.80.050, 80.80.080, 90.56.280, 9.41.280, 9.41.284, 9.41.305, 9A.44.050, 9A.44.100, 9.94A.838, 9A.44.128, 9A.72.160, 10.31.115, 43.20A.715, 82.04.758, 43.41.425, 64.38.110, 72.01.412, and 88.02.620; reenacting and amending RCW 10.99.080, 28A.300.145, 43.03.305, 43.185B.020, 46.04.670, 46.68.340, 53.08.370, 54.16.330, 70A.15.3150, 79.64.100, 43.21J.030, and 9A.44.010; reenacting RCW 10.99.030, 46.25.010, 66.24.210, 66.24.495, 69.50.530, 69.50.540, 70.47.020, 74.09.053, 82.38.060, and 82.42.040; creating a new section; decodifying RCW 28A.300.2851, 28A.300.807, 43.10.300, 43.280.091, and 44.82.010; repealing 2011 1st sp. sess. c 35 s 3 (uncodified); providing a contingent effective date; and providing expiration dates.

Referred to Committee on Civil Rights & Judiciary.

HB 1067 by Representatives Bronoske, Simmons, Berry, Bateman, Lekanoff, Doglio, Gregerson, Wylie, Ortiz-Self, Pollet, Davis, Riccelli, Ormsby and Fosse

AN ACT Relating to wages for journey persons in high-hazard facilities; amending RCW 49.80.010; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1068 by Representatives Bronoske, Simmons, Ryu, Goodman, Berry, Bateman, Peterson, Taylor, Doglio, Gregerson, Wylie, Pollet, Davis, Santos, Ormsby and Fosse

AN ACT Relating to injured workers' rights during compelled medical examinations; and amending RCW 51.36.070.

Referred to Committee on Labor & Workplace Standards.

HB 1069 by Representatives Leavitt, Harris, Riccelli, Simmons, Barkis, Slatter, Ryu, Bateman, Rude, Schmidt, Rule, Goodman, Ybarra, Callan, Doglio, Orwall, Macri, Caldier, Senn, Tharinger, Bronoske, Gregerson, Paul, Wylie, Stonier, Kloba, Ormsby and Farivar

AN ACT Relating to the mental health counselor compact; and adding a new chapter to Title 18 RCW.

Referred to Committee on Postsecondary Education & Workforce.

HB 1070 by Representatives Connors, Reeves, Hutchins, Schmidt, Peterson, Christian, Rude, Klicker, Barkis and Walsh

AN ACT Relating to exempting the sale and leaseback of property by a seller from the residential landlord-tenant act when the seller agrees to a written lease at closing; and amending RCW 59.18.040.

Referred to Committee on Housing.

HB 1071 by Representatives Walsh, Jacobsen, Graham and Griffey

AN ACT Relating to securing schools by authorizing funding for a school resource officer in every school; amending RCW 28A.710.280 and 28A.715.040; adding a new section to chapter 28A.150 RCW; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 1072 by Representatives Klicker, Sandlin and Rude

AN ACT Relating to motor vehicle length limitations; and amending RCW 46.44.030.

Referred to Committee on Transportation.

HB 1073 by Representatives Harris, Tharinger, Ryu, Leavitt, Macri, Caldier, Santos and Ormsby

AN ACT Relating to medical assistants; and amending RCW 18.360.040 and 18.360.050.

Referred to Committee on Postsecondary Education & Workforce.

HB 1074 by Representatives Thai, Macri, Simmons, Ryu, Ramel, Peterson, Lekanoff, Alvarado, Pollet, Cortes, Gregerson, Kloba, Davis and Ormsby

AN ACT Relating to documentation and processes governing landlords' claims for damage to residential premises; amending RCW 59.18.260, 59.18.280, 59.18.060, 59.18.130, and 59.18.595; reenacting and amending RCW 59.18.030; and creating a new section.

Referred to Committee on Housing.

HB 1075 by Representatives Thai, Walen, Simmons, Berry, Ramel, Peterson, Pollet, Callan, Macri, Gregerson, Bergquist, Wylie, Kloba, Santos, Riccelli, Fosse and Ormsby

AN ACT Relating to expanding eligibility for the working families' tax credit to everyone age 18 and older; amending 2021 c 195 s 4 (uncodified); reenacting and amending RCW 82.08.0206; creating a new section; providing an effective date; and providing a contingent expiration date.

Referred to Committee on Finance.

HB 1076 by Representatives Klicker, Sandlin and Barnard

AN ACT Relating to encouraging salmon recovery through voluntary stewardship; amending RCW 36.70A.080 and 36.70A.280; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1077 by Representatives Thai, Walen, Simmons, Leavitt, Senn, Goodman and Santos

AN ACT Relating to courthouse facility dogs; amending RCW 10.52.110; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1078 by Representatives Duerr, Doglio, Simmons, Reed, Ryu, Walen, Ramel, Macri, Reeves and Kloba

AN ACT Relating to urban forest management ordinances; amending RCW 76.15.110; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1079 by Representatives Thai, Slatter and Ryu

AN ACT Relating to rapid whole genome sequencing; amending RCW 74.09.520 and 28B.20.830; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1080 by Representatives Taylor, Peterson, Simmons, Walen, Reed, Stearns, Berry, Pollet, Goodman, Orwall, Bergquist, Gregerson and Thai

AN ACT Relating to body worn cameras; and amending RCW 42.56.240.

Referred to Committee on Civil Rights & Judiciary.

HB 1081 by Representatives Simmons, Hutchins, Ryu and Bronoske

AN ACT Relating to authorizing administrative law judges to substitute for pollution control hearings board members in deciding derelict vessel appeals; and amending RCW 79.100.120.

Referred to Committee on Agriculture and Natural Resources.

HB 1082 by Representatives Simmons, Jacobsen, Goodman, Springer, Santos and Ormsby

AN ACT Relating to expanding opportunities for physical therapy and occupational therapy professionals to form professional service corporations; and amending RCW 18.100.050.

Referred to Committee on Consumer Protection & Business.

HB 1083 by Representatives Robertson, Rule and Ryu

AN ACT Relating to ensuring reasonable terms of payment are available to cannabis retailers when contracting with cannabis processors for the purchase of cannabis products; and amending RCW 69.50.395.

Referred to Committee on Regulated Substances & Gaming.

HB 1084 by Representatives Fey, Ramos, Ryu, Ramel, Leavitt, Timmons and Wylie

AN ACT Relating to freight mobility prioritization; amending RCW 47.06A.010, 47.06A.001, 47.06A.020, 47.06A.030, 47.06.045, 47.06.070, 46.68.300, and 46.68.310; adding a new section to chapter 53.20 RCW; adding a new section to chapter 47.04 RCW; creating a new section; recodifying RCW 47.06A.080 and 47.06A.090; and repealing RCW 47.06A.045, 47.06A.050, and 47.06A.060.

Referred to Committee on Transportation.

HB 1085 by Representatives Mena, Bateman, Reed, Fitzgibbon, Ramel, Peterson, Pollet, Berry, Walen, Doglio, Macri, Simmons, Thai, Cortes, Kloba and Ormsby

AN ACT Relating to reducing plastic pollution; amending RCW 70A.245.010, 43.21B.110, and 43.21B.300; adding a new section to chapter 19.27 RCW; adding new sections to chapter 70A.245 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment & Energy.

EHB 1086 by Representatives Shavers, Ryu, Ramel, Lekanoff, Callan, Simmons, Timmons, Thai, Paul, Santos, Ormsby and Tharinger

AN ACT Relating to increasing local governments' ability to contract with community service organizations; amending RCW 35.21.278; and creating a new section.

Referred to Committee on Local Government.

HB 1087 by Representatives Peterson, Simmons, Berry, Bateman, Reed, Ramel, Pollet, Street, Senn, Macri, Thai, Santos, Ormsby and Farivar

AN ACT Relating to solitary confinement; amending RCW 72.09.015; adding new sections to chapter 72.09 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1088 by Representatives Walen and Reeves

AN ACT Relating to the uniform family law arbitration act; adding a new chapter to Title 26 RCW; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1089 by Representatives Orwall, Ortiz-Self, Leavitt, Reed, Berry, Peterson, Lekanoff, Goodman, Taylor, Doglio, Simmons, Timmons, Reeves, Wylie, Pollet, Davis, Santos and Ormsby

AN ACT Relating to supporting adults with lived experience of sex trafficking; adding a new section to chapter 43.280 RCW; and creating a new section.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1090 by Representatives Orwall, Hackney, Goodman, Ramel, Simmons, Reeves, Wylie and Ormsby

AN ACT Relating to removing language from the Revised Code of Washington that has been identified by the justices of the supreme court or judges of the superior courts as defects and omissions in the laws pursuant to Article IV, section 25 of the Washington state Constitution; amending RCW 2.43.040, 2.48.190, 4.16.190, 48.140.010, 6.25.030, 10.105.900, 7.80.120, 9.94A.530, 9A.46.020, 10.05.030, 10.95.030, 10.95.035, 10.95.030, 41.56.0251, 35A.66.020, 43.135.034, and 9A.72.160; and repealing RCW 2.48.210, 4.56.250, 7.48.050, 7.48.052, 7.48.054, 7.48.056, 7.48.058, 7.48.060, 7.48.062, 7.48.064, 7.48.066, 7.48.068, 7.48.070, 7.48.072, 7.48.074, 7.48.076, 7.48.078, 7.48.080, 7.48.085, 7.48.090, 7.48.100, 9.81.010, 9.81.020, 9.81.030, 9.81.040, 9.81.050, 9.81.060, 9.81.070, 9.81.080, 9.81.082, 9.81.083, 9.81.090, 9.81.110, 9.81.120, 9.91.180, 9.92.100, 10.52.100, 10.58.090, 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080, 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130, 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185, 10.95.190, 10.95.200, 10.95.901, 18.108.190, 35.13.165, 36.105.010, 36.105.020, 36.105.030, 36.105.040, 36.105.050, 36.105.060, 36.105.070, 36.105.080, 36.105.090, 36.105.100, 39.88.010, 39.88.020, 39.88.030, 39.88.040, 39.88.050, 39.88.060, 39.88.070, 39.88.080, 39.88.090, 39.88.100, 39.88.110, 39.88.120, 39.88.130, 39.88.900, 39.88.905, 39.88.910, 41.20.110, 47.44.030, 49.32.072, 49.32.073, 49.32.074, 66.24.480, 66.28.080, 73.04.050, 73.04.060, and 85.05.130.

Referred to Committee on Civil Rights & Judiciary.

HB 1091 by Representatives Walsh, McEntire, Jacobsen, Graham and Christian

AN ACT Relating to requiring voter approval of tax increases; amending RCW 43.135.034 and 43.135.041; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1092 by Representatives Walsh and Graham

AN ACT Relating to the valuation of property for purposes of state property tax levies; and amending RCW 84.40.030.

Referred to Committee on Finance.

HB 1093 by Representatives Walsh, McEntire, Jacobsen and Graham

AN ACT Relating to providing parents and their children with more choices for a quality elementary and secondary education through the family empowerment scholarship program; amending RCW 83.100.230; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28B.77 RCW; and creating a new section.

Referred to Committee on Education.

HB 1094 by Representatives Stonier, Harris, Goodman, Reed, Ryu, Leavitt, Ramel, Peterson, Pollet, Street, Senn, Cortes, Callan, Doglio, Simmons, Reeves, Lekanoff, Waters, Gregerson, Wylie, Ramos, Kloba, Davis, Chandler, Riccelli, Orwall, Entenman and Fosse

AN ACT Relating to the creation of the Washington future fund program; amending RCW 43.88C.010; reenacting and amending RCW 43.79A.040; adding a new section to chapter 74.09 RCW; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1095 by Representatives Walen, Ortiz-Self, Berry, Reed, Ramel, Pollet, Doglio, Macri, Simmons, Reeves, Wylie, Alvarado, Santos and Ormsby

AN ACT Relating to creating a wage replacement program for certain Washington workers excluded from unemployment insurance; reenacting and amending RCW 42.56.410; adding new chapters to Title 50C RCW; adding a new title to the Revised Code of Washington to be codified as Title 50C RCW; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 1096 by Representatives Low, Riccelli, Schmidt, Corry, Peterson, Christian, Street, Rule, Senn, Cortes, Doglio, Robertson, Timmons, Springer, Kloba and Ormsby

AN ACT Relating to assaults committed against amateur sports officials; and amending RCW 9A.36.031.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1097 by Representatives Walen, Goodman, Leavitt, Ramel, Peterson, Fitzgibbon, Macri, Simmons, Reeves, Thai, Gregerson, Stonier, Pollet, Kloba, Santos and Ormsby

AN ACT Relating to the sale of cosmetics tested on animals; adding a new chapter to Title 69 RCW; providing an effective date; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

HB 1098 by Representatives Walen, Ramel, Peterson, Senn, Callan, Doglio, Macri, Reeves, Wylie, Pollet, Santos and Ormsby

AN ACT Relating to the duty of clergy to report child abuse or neglect; amending RCW 26.44.030; and reenacting and amending RCW 26.44.020.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1099 by Representatives Berry, Ormsby, Goodman, Bateman, Reed, Pollet, Doglio, Simmons, Bronoske, Gregerson, Kloba, Santos, Riccelli and Fosse

AN ACT Relating to requiring wages for laborers, workers, and mechanics in public works contracts to be at least the prevailing rate of wage in effect at the time the work is performed; amending RCW 39.12.030; creating a new section; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1100 by Representatives Schmick and Leavitt

AN ACT Relating to the disposition of the remains of a county resident who dies indigent in an adjacent county outside of Washington; and amending RCW 36.39.030.

Referred to Committee on Local Government.

HB 1101 by Representatives Taylor, Bergquist, Ramel and Gregerson

AN ACT Relating to tenant screening in common interest communities; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; and adding a new section to chapter 64.90 RCW.

Referred to Committee on Housing.

HB 1102 by Representatives Taylor and Timmons

AN ACT Relating to judge pro tempore compensation; and amending RCW 2.08.180.

Referred to Committee on Civil Rights & Judiciary.

HB 1103 by Representatives Fey, Barkis and Wylie

AN ACT Relating to avoiding interest arbitrage charges on bond proceeds in the capital vessel replacement account; amending 2022 c 186 s 406 (uncodified); and creating a new section.

Referred to Committee on Transportation.

HB 1104 by Representatives Goodman, Wylie, Davis and Ormsby

AN ACT Relating to eligibility and requirements for deferred prosecutions; amending RCW 10.05.010, 10.05.015, 10.05.020, 10.05.030, 10.05.040, 10.05.050, 10.05.060, 10.05.090, 10.05.100, 10.05.120, 10.05.140, 10.05.150, 10.05.155, 10.05.170, and 9.94A.525; adding a new section to chapter 10.05 RCW; and providing an effective date.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1105 by Representatives Kloba, Abbarno and Thai

AN ACT Relating to requiring public agencies to provide notice for public comment that includes the last date by which such public comment must be submitted; and adding a new section to chapter 42.30 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1106 by Representatives Fosse, Reeves, Reed, Berry, Doglio, Wylie, Kloba, Santos and Ormsby

AN ACT Relating to qualifications for unemployment insurance when an individual voluntarily leaves work; amending RCW 50.20.050 and 50.29.021; adding a new section to chapter 50.04 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1107 by Representatives Fosse, Reed, Berry, Ramel, Doglio, Simmons, Reeves, Kloba, Riccelli and Ormsby

AN ACT Relating to removing the terms "master" and "servant" from Titles 50 and 50A RCW; amending RCW 50.04.100 and 50A.05.010; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1108 by Representatives Hackney, Walen, Fitzgibbon, Simmons and Kloba

AN ACT Relating to resentencing of individuals sentenced as a persistent offender, or sentenced to an exceptional sentence pursuant to a plea agreement intended to avoid a persistent offender sentence, due to a robbery in the second degree conviction; and amending RCW 9.94A.647.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1109 by Representatives Senn, Stonier, Rude, Taylor, Slatter, Callan, Doglio, Orwall, Caldier, Simmons, Timmons, Reeves, Couture, Thai, Bergquist, Ortiz-Self, Pollet, Santos, Kloba and Davis

AN ACT Relating to providing funding for school districts to conduct extraordinary numbers of special education eligibility determinations and to subsequently develop individualized education programs for the eligible students; amending RCW 28A.150.392; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Education.

HB 1110 by Representatives Bateman, Barkis, Reed, Taylor, Riccelli, Berry, Fitzgibbon, Peterson, Duerr, Lekanoff, Alvarado, Street, Ryu, Ramel, Cortes, Doglio, Macri, Mena, Gregerson, Thai, Bergquist, Farivar, Wylie, Stonier, Pollet, Santos, Fosse and Ormsby

AN ACT Relating to creating more homes for Washington by increasing middle housing in areas traditionally dedicated to single-family detached housing; amending RCW 36.70A.030, 36.70A.280, and 43.21C.495; adding new sections to chapter 36.70A RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; and creating a new section.

Referred to Committee on Housing.

HB 1111 by Representatives Ryu, Walen, Peterson, Lekanoff, Street, Bateman, Ramel, Fitzgibbon, Leavitt, Wylie, Pollet, Davis and Santos

AN ACT Relating to housing benefit districts; and adding a new chapter to Title 35 RCW.

Referred to Committee on Housing.

HB 1112 by Representatives Harris, Santos, Ramel, Fitzgibbon, Kloba and Donaghy

AN ACT Relating to imposing criminal penalties for negligent driving involving the death of a vulnerable user victim; amending RCW 46.61.526, 46.20.342, 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, 46.61.205, and 46.63.020; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1113 by Representatives Harris, Santos and Stonier

AN ACT Relating to reprimands for professional educators; adding a new section to chapter 28A.410 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 1114 by Representatives Mosbrucker, Simmons, Reed and Goodman

AN ACT Relating to the membership of the sentencing guidelines commission; and amending RCW 9.94A.860.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1115 by Representatives Bateman, Stonier, Reed, Fitzgibbon, Berry, Ramel, Doglio, Macri, Simmons, Duerr, Thai, Bergquist, Wylie, Pollet, Santos, Riccelli, Fosse and Ormsby

AN ACT Relating to prohibiting cost sharing for abortion; amending RCW 48.43.073; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health Care & Wellness.

HB 1116 by Representative Mosbrucker

AN ACT Relating to providing a behavioral health response to juveniles consuming controlled substances; and amending RCW 43.185C.260.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1117 by Representatives Mosbrucker, Dye, Leavitt, Schmidt, Christian and Walsh

AN ACT Relating to addressing the extent to which Washington residents are at risk of rolling blackouts and power supply inadequacy events; amending RCW 19.280.065; creating a new section; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1118 by Representatives Mosbrucker, Orwall, Jacobsen and Wylie

AN ACT Relating to school bus safety; amending RCW 28A.160.010, 28A.160.205, 46.37.510, 46.63.180, and 43.84.092; adding a new section to chapter 46.37 RCW; adding a new section to chapter 46.68 RCW; and providing an effective date.

Referred to Committee on Education.

HB 1119 by Representatives Riccelli, Bateman, Macri and Kloba

AN ACT Relating to extending the expiration date of the joint select committee on health care oversight; reenacting and amending RCW 44.82.010; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1120 by Representatives Reeves, Corry and Ryu

AN ACT Relating to the best interest standard for annuities in Washington; amending RCW 48.23.015; adding a new section to chapter 48.23 RCW; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 1121 by Representatives Goodman, Leavitt, Reeves, Lekanoff and Wylie

AN ACT Relating to the uniform child abduction prevention act; and adding a new chapter to Title 26 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1122 by Representatives Doglio, Berry, Reed, Ramel, Simmons, Reeves, Lekanoff, Bergquist, Kloba, Pollet, Donaghy, Fosse and Ormsby

AN ACT Relating to granting Washington management service employees the right to collectively bargain; and amending RCW 41.06.022 and 41.80.005.

Referred to Committee on Labor & Workplace Standards.

HB 1123 by Representatives Dye, Klicker, Walsh and Schmick

AN ACT Relating to supporting local and tribal control of clean energy facility siting by altering the authority of the energy facility site evaluation council; amending RCW 80.50.060 and 80.50.100; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1124 by Representatives Peterson, Fitzgibbon, Taylor, Street, Berry, Bateman, Ramel, Doglio, Macri, Simmons, Chopp, Lekanoff, Thai, Bergquist, Stonier, Pollet, Riccelli and Ormsby

AN ACT Relating to protecting tenants from excessive rent and related fees by providing at least six months' notice for rent increases over a certain amount, allowing tenants the right to terminate a tenancy without penalty, and limiting late fees; amending RCW 59.18.140, 59.18.650, 59.18.170, 59.18.230, and 59.20.090; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Housing.

HB 1125 by Representatives Fey, Lekanoff, Timmons, Paul, Wylie and Donaghy

AN ACT Relating to transportation funding and appropriations; amending RCW 43.19.642, 46.20.745, 82.21.030, 47.66.120, 46.68.060, 46.68.290, 47.60.322, 46.68.395, 70A.65.240, 46.68.520, and 46.68.280; creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 1126 by Representatives Fey, Lekanoff, Timmons, Wylie, Paul and Donaghy

AN ACT Relating to transportation funding and appropriations; amending 2022 c 186 ss 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 218, 219, 221, 222, 223, 224, 301, 303, 304, 305, 306, 307, 308, 309, 310, 401, 402, 403, 404, 405, 406, 601, and 602 (uncodified); 2022 c 187 ss 205 and 308 (uncodified); adding a new section to 2022 c 186 (uncodified); repealing 2022 c 187 ss 203, 304, 305, and 307 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 1127 by Representatives Bateman, Reed, Macri, Simmons and Riccelli

AN ACT Relating to adult protective services; amending RCW 74.39A.056, 74.34.020, 74.34.063, 74.34.095, and 68.50.105; adding a new section to chapter 74.34 RCW; and providing an effective date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1128 by Representatives Bateman, Reed, Taylor, Doglio, Macri, Caldier, Simmons, Thai, Bergquist, Wylie, Kloba, Ormsby and Tharinger

AN ACT Relating to raising the residential personal needs allowance; and amending RCW 74.09.340.

Referred to Committee on Appropriations.

HB 1129 by Representatives Gregerson, Duerr, Reed, Peterson, Bateman, Ramel, Leavitt, Doglio, Macri, Simmons, Reeves, Chopp, Lekanoff, Wylie, Santos, Ormsby, Kloba and Tharinger

AN ACT Relating to the sale or lease of manufactured/mobile home communities and the property on which they sit; amending RCW 59.20.060, 59.20.073, 59.20.080, 59.20.300, 59.20.305, and 59.21.030; reenacting and amending RCW 59.20.030; adding new sections to chapter 59.20 RCW; creating a new section; and prescribing penalties.



Referred to Committee on Housing.

HB 1130 by Representatives Hackney, Walen, Reed, Peterson, Berry, Bateman, Ramel, Callan, Macri, Simmons, Reeves, Alvarado, Lekanoff, Wylie, Pollet, Davis, Kloba, Ormsby and Tharinger

AN ACT Relating to protecting public safety by establishing duties of firearm industry members engaged in the sale, manufacturing, distribution, importing, or marketing of firearms, ammunition, component parts, or accessories, to adopt and implement reasonable controls to prevent the diversion of firearms and related products to straw purchasers, firearm traffickers, unauthorized individuals, and individuals who pose a risk to themselves or others, to prohibit such firearm industry members from creating or maintaining a public nuisance, providing for investigation and enforcement by the attorney general, and creating a private right of action; adding a new section to chapter 7.48 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1131 by Representatives Berry, Doglio, Reed, Fitzgibbon, Taylor, Pollet, Ryu, Ortiz-Self, Ramel, Callan, Macri, Simmons, Chopp, Lekanoff, Duerr, Wylie, Stonier and Kloba

AN ACT Relating to improving Washington's solid waste management outcomes; amending RCW 70A.245.010, 70A.245.020, 70A.245.030, 70A.245.040, 70A.245.090, 70A.245.100, 70A.245.120, 70A.245.060, 70A.205.005, 70A.205.010, 70A.205.045, 81.77.030, 81.77.040, 81.77.160, 81.77.185, 43.21B.110, 43.21B.300, 69.50.342, 69.50.345, and 69.50.345; adding new sections to chapter 70A.245 RCW; adding a new section to chapter to 81.04 RCW; adding a new section to chapter 70A.222 RCW; adding a new section to chapter 70A.350 RCW; adding a new section to chapter 70A.230 RCW; adding a new section to chapter 70A.340 RCW; adding a new section to chapter 70A.455 RCW; adding new chapters to Title 70A RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1132 by Representatives Goodman, Rude, Lekanoff, Wylie and Kloba

AN ACT Relating to oversight and training requirements for limited authority Washington peace officers and agencies; amending RCW 43.101.095, 43.101.276, and 43.101.278; and reenacting and amending RCW 43.101.010 and 43.101.200.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1133 by Representatives Chapman, Low, Peterson, Wylie and Tharinger

AN ACT Relating to establishing limitations on detached accessory dwelling units outside urban growth areas; amending RCW 36.70A.696; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Housing.

HB 1134 by Representatives Orwall, Bronoske, Peterson, Berry, Ramel, Leavitt, Callan, Doglio, Macri, Caldier, Simmons, Timmons, Reeves, Chopp, Lekanoff, Gregerson, Thai, Paul, Wylie, Stonier, Davis, Kloba, Riccelli, Fosse and Farivar

AN ACT Relating to implementing the 988 behavioral health crisis response and suicide prevention system; amending RCW 71.24.890, 71.24.892, 71.24.896, and 82.86.050; reenacting and amending RCW 71.24.025, 71.24.037, and

43.70.442; adding new sections to chapter 71.24 RCW; adding a new section to chapter 28B.20 RCW; and adding a new section to chapter 38.60 RCW.

Referred to Committee on Health Care & Wellness.

HB 1135 by Representatives Slatter, Walen, Reed, Berry, Ramel, Fitzgibbon, Doglio, Wylie, Pollet, Kloba and Tharinger

AN ACT Relating to authorizing impact fee revenue to fund improvements to bicycle and pedestrian facilities; amending RCW 82.02.090; and creating a new section.

Referred to Committee on Local Government.

HB 1136 by Representatives Reeves, Reed, Berry, Walen, Ramel and Pollet

AN ACT Relating to requiring employers to reimburse employees for necessary expenditures and losses; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 1137 by Representatives Mosbrucker, Berry, Reed, Lekanoff, Bergquist, Wylie, Pollet and Ormsby

AN ACT Relating to establishing equitable access to the workers compensation stay-at-work program by allowing employers to offer off-site light duty return to work opportunities to injured workers; amending RCW 51.32.090; creating a new section; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1138 by Representatives Chapman, Dent, Ramel, Leavitt, Doglio, Lekanoff, Donaghy and Ormsby

AN ACT Relating to drought preparedness; amending RCW 43.83B.415 and 90.86.030; reenacting and amending RCW 43.83B.430; and adding new sections to chapter 43.83B RCW.

Referred to Committee on Agriculture and Natural Resources.

HB 1139 by Representatives Leavitt, Reed, Bateman, Ramel, Orwall, Reeves, Bronoske, Ramos, Gregerson, Wylie, Thai, Pollet, Kloba and Ormsby

AN ACT Relating to harassment of election officials; amending RCW 9A.46.020, 9A.90.120, and 40.24.030; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1140 by Representatives Ormsby, Gregerson, Macri, Lekanoff and Bergquist

AN ACT Relating to fiscal matters; amending RCW 19.02.210, 28B.92.205, 43.09.475, 43.43.837, 43.79.555, 43.320.110, 70A.65.100, 70A.65.250, 70A.65.260, 74.46.561, and 79A.25.210; reenacting and amending RCW 43.101.200 and 70A.65.030; adding a new section to chapter 43.79 RCW; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1141 by Representatives Ormsby, Gregerson, Macri, Lekanoff and Bergquist

AN ACT Relating to fiscal matters; amending RCW 28B.76.526; amending 2022 c 297 ss 101, 102, 103, 113, 114, 116, 117, 120, 121, 122, 126, 128, 129, 130, 133, 134, 135, 136, 137, 141, 142, 143, 146, 147, 148, 150, 201, 202, 203,

204, 205, 206, 207, 208, 209, 210, 211, 214, 215, 216, 218, 220, 221, 222, 223, 225, 226, 227, 228, 229, 230, 301, 303, 304, 305, 306, 307, 308, 310, 311, 312, 402, 501, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 515, 516, 517, 518, 520, 522, 602, 603, 604, 605, 606, 607, 608, 609, 610, 612, 613, 614, 615, 702, 703, 704, 713, 714, 716, 723, 731, 801, 802, 803, and 804 and 2021 c 334 ss 109 and 110 (uncodified); reenacting and amending RCW 70A.65.030; repealing 2021 c 334 s 747 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

**HB 1142** by Representatives Hansen, Timmons, Reed, Simmons, Reeves, Lekanoff and Pollet

AN ACT Relating to increasing tenure-track faculty at the public baccalaureate institutions; adding a new section to chapter 28B.10 RCW; and providing an expiration date.

Referred to Committee on Postsecondary Education & Workforce.

**HB 1143** by Representatives Berry, Walen, Reed, Peterson, Street, Bateman, Ramel, Senn, Callan, Doglio, Macri, Lekanoff, Duerr, Pollet, Davis, Kloba, Fosse and Ormsby

AN ACT Relating to enhancing requirements for the purchase or transfer of firearms by requiring a permit to purchase firearms, firearms safety training, and a 10-day waiting period, prohibiting firearms transfers prior to completion of a background check, and updating and creating consistency in firearms transfer and background check procedures; amending RCW 9.41.090, 43.43.590, 9.41.047, 9.41.049, 9.41.092, 9.41.094, 9.41.097, 9.41.0975, 9.41.110, 9.41.1135, 9.41.345, 9.41.270, 9.41.280, 9.41.282, 9.41.284, 9.41.800, 9.41.801, 9.41.802, 9.41.804, 9.41.815, 7.105.305, 7.105.330, 7.105.335, 7.105.340, 7.105.350, 7.105.570, 10.31.100, 10.99.033, 10.99.040, 11.130.257, 26.09.060, 71.05.182, and 72.23.080; reenacting and amending RCW 7.105.310 and 10.99.030; adding new sections to chapter 9.41 RCW; adding a new section to chapter 43.43 RCW; repealing 2019 c 244 s 1; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

**HB 1144** by Representatives Berry, Walen, Reed, Peterson, Street, Bateman, Ramel, Senn, Callan, Doglio, Orwall, Macri, Lekanoff, Pollet, Santos, Kloba and Ormsby

AN ACT Relating to enhancing requirements for the purchase or transfer of firearms by establishing a 10-day waiting period, requiring firearms safety training, prohibiting firearms transfers prior to completion of a background check, and updating and creating consistency in firearms transfer and background check procedures; amending RCW 9.41.090, 9.41.092, 9.41.110, 9.41.090, 9.41.110, and 9.41.1135; adding a new section to chapter 43.43 RCW; repealing 2019 c 244 s 1; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

**HB 1145** by Representatives Berry, Timmons, Reed, Peterson, Fitzgibbon, Bateman, Ramel, Senn, Ryu, Leavitt, Doglio, Macri, Simmons, Duerr, Springer, Stonier, Pollet, Kloba, Donaghy and Ormsby

AN ACT Relating to protecting southern resident orcas from vessels; amending RCW 77.15.740, 77.65.615, and 77.15.815; and prescribing penalties.

Referred to Committee on Agriculture and Natural Resources.

**HB 1146** by Representatives Paul, Steele, Ramel, Taylor, Callan, Rude, Timmons, Chopp, Lekanoff, Duerr, Ramos, Shavers, Stonier, Pollet, Santos, Riccelli and Ormsby

AN ACT Relating to notifying high school students and their families about available dual credit programs and any available financial assistance; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

**HB 1147** by Representatives Tharinger, Leavitt, Callan and Wylie

AN ACT Relating to the capital budget; amending RCW 28B.20.725, 28B.30.750, 43.88D.010, 39.35D.030, and 43.99N.060; amending 2022 c 296 ss 1018, 1046, 2004, 3003, 3010, 5004, and 7002, and 2021 c 332 ss 1065, 1098, 2067, 3010, 3012, 3019, 3021, 3022, 3024, 3026, 3027, 3028, 3031, 3037, 3038, 3039, 3048, 3069, 3072, 3078, 3094, 3097, and 3295 (uncodified); reenacting and amending RCW 43.185.050, 43.83B.430, and 43.155.050; adding new sections to 2022 c 296 (uncodified); creating new sections; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Capital Budget.

**HB 1148** by Representatives Tharinger, Callan and Wylie

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 43.99U.010, 28A.527.010, 28A.527.020, and 43.99V.010; adding new sections to chapter 43.100A RCW; repealing RCW 43.100A.306; and declaring an emergency.

Referred to Committee on Capital Budget.

**HB 1149** by Representatives Tharinger, Reed, Berry, Bateman, Ramel, Taylor, Macri, Reeves, Thai, Wylie, Pollet and Ormsby

AN ACT Relating to reducing homelessness in Washington state through capital expenditures for programs that address housing insecurity; adding new sections to chapter 43.100A RCW; adding new sections to chapter 43.330 RCW; creating new sections; providing a contingent effective date; and providing for the submission of certain sections of this act to a vote of the people.

Referred to Committee on Capital Budget.

**HB 1150** by Representatives Mosbrucker, Rule and Reeves

AN ACT Relating to creating the offense of unlawful branding of another person; amending RCW 9.94A.515 and 9A.04.080; adding a new section to chapter 9A.40 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

**HB 1151** by Representatives Stonier, Macri, Reed, Peterson, Berry, Ramel, Fitzgibbon, Cortes, Callan, Simmons, Reeves, Lekanoff, Bergquist, Fosse and Ormsby

AN ACT Relating to mandating health plans to provide coverage for the diagnosis of infertility, treatment for infertility, and standard fertility preservation services; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

**HB 1152** by Representatives Mena, Reed, Berry, Ramel, Macri, Simmons, Reeves, Fosse, Farivar and Ormsby

AN ACT Relating to consumer gender discrimination; amending RCW 19.86.140; adding a new section to chapter 19.86 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

HB 1153 by Representatives Peterson, Fitzgibbon, Berry, Walen, Bateman, Goodman, Leavitt, Macri, Gregerson, Stonier, Pollet and Fosse

AN ACT Relating to prohibiting octopus farming; and amending RCW 15.85.020.

Referred to Committee on Agriculture and Natural Resources.

HB 1154 by Representatives Walsh and Jacobsen

AN ACT Relating to religious institutions and gubernatorial proclamations; and amending RCW 43.06.220.

Referred to Committee on State Government & Tribal Relations.

HB 1155 by Representatives Slatter, Street, Reed, Ryu, Berg, Alvarado, Taylor, Bateman, Ramel, Senn, Goodman, Fitzgibbon, Macri, Simmons, Reeves, Lekanoff, Orwall, Duerr, Thai, Gregerson, Wylie, Ortiz-Self, Stonier, Pollet, Riccelli, Donaghy, Fosse and Ormsby

AN ACT Relating to the collection, sharing, and selling of consumer health data; and adding a new chapter to Title 19 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1156 by Representatives Slatter, Reed, Callan, Simmons, Timmons, Reeves, Chopp, Lekanoff, Thai, Paul, Bergquist, Wylie, Pollet, Ormsby and Tharinger

AN ACT Relating to extending the terms of eligibility for the Washington college grant program; amending RCW 28B.92.200; creating a new section; and declaring an emergency.

Referred to Committee on Postsecondary Education & Workforce.

HB 1157 by Representatives Leavitt, Walen, Fitzgibbon, Bateman, Ramel, Goodman, Orwall, Macri, Duerr, Bronoske, Springer, Gregerson, Wylie, Stonier and Pollet

AN ACT Relating to prohibiting the display of wild or exotic animals for public entertainment or amusement; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Agriculture and Natural Resources.

HB 1158 by Representatives Walen, Reed, Peterson, Fitzgibbon, Taylor, Berry, Bateman, Ramel, Slatter, Macri, Simmons, Reeves, Duerr, Gregerson, Thai, Wylie, Stonier, Pollet, Santos, Fosse, Ormsby and Tharinger

AN ACT Relating to encouraging electoral participation and making ballots more meaningful by abolishing advisory votes; amending RCW 29A.32.070, 29A.64.090, 29A.72.040, 29A.72.250, 29A.72.290, and 29A.32.031; adding a new section to chapter 29A.32 RCW; creating a new section; and repealing RCW 29A.72.283, 29A.72.285, and 43.135.041.

Referred to Committee on State Government & Tribal Relations.

HB 1159 by Representatives Wylie and Stonier

AN ACT Relating to interstate cannabis agreements; adding a new section to chapter 43.06 RCW; and providing a contingent effective date.

Referred to Committee on Regulated Substances & Gaming.

HB 1160 by Representatives Graham, Jacobsen, Walsh and Schmidt

AN ACT Relating to establishing an aggravating circumstance for the mutilation or dismemberment of a human body; and amending RCW 9.94A.535.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1161 by Representatives Graham, Sandlin, Christian, Jacobsen, Walsh and Schmidt

AN ACT Relating to prohibiting persons convicted of violent offenses with firearm enhancements from receiving earned early release credits; and amending RCW 9.94A.729.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1162 by Representatives Graham, Sandlin, Dye, Christian and Tharinger

AN ACT Relating to expanding offenses and penalties for manufacture, sale, distribution, and other conduct involving controlled substances and counterfeit substances; amending RCW 9A.42.100, 9.94A.518, 69.50.406, 69.50.4011, 69.50.410, and 69.50.4015; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1163 by Representative Fey

AN ACT Relating to exempting certain leasehold interests in arenas with a seating capacity of more than 2,000 from the leasehold excise tax; amending RCW 82.29A.130 and 82.29A.130; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Finance.

HB 1164 by Representatives Doglio, Fitzgibbon, Reed, Berry, Ramel, Macri, Lekanoff, Duerr, Pollet and Kloba

AN ACT Relating to providing for the responsible management of appliances containing harmful gases and other materials; amending RCW 43.21B.110, 43.21B.300, and 70A.65.260; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1165 by Representatives Orwall, Reeves, Wylie and Davis

AN ACT Relating to civil remedies for unauthorized disclosure of intimate images; adding a new chapter to Title 7 RCW; creating a new section; repealing RCW 4.24.795; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1166 by Representatives Dye and Walsh

AN ACT Relating to improving climate resiliency through the development of a water quality trading program for recipients of national pollutant discharge elimination system general permits; and amending RCW 90.48.260.

Referred to Committee on Environment & Energy.

HB 1167 by Representatives Duerr, Low, Walen, Reed, Bateman, Ramel, Fitzgibbon, Taylor, Macri, Gregerson, Wylie, Pollet, Kloba and Tharinger

AN ACT Relating to residential housing regulations; amending RCW 43.21C.229; adding new sections to chapter 36.70A RCW; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Housing.

HB 1168 by Representatives Simmons, Ramel, Callan, Wylie, Davis and Ormsby

AN ACT Relating to providing prevention services, diagnoses, treatment, and support for prenatal substance exposure; amending RCW 71.24.610; adding a new section to chapter 43.216 RCW; adding new sections to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1169 by Representatives Simmons, Taylor, Berry, Bateman, Goodman, Wylie, Santos and Ormsby

AN ACT Relating to legal financial obligations; amending RCW 7.68.035, 43.43.7532, 43.43.7541, 7.68.240, 9.92.060, 9.94A.6333, 9.94B.040, 9.95.210, 10.01.180, 10.82.090, 13.40.192, and 13.40.200; reenacting and amending RCW 9.94A.760; adding a new section to chapter 7.68 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1170 by Representatives Street, Couture, Berry, Ramel, Fitzgibbon, Lekanoff, Duerr, Thai and Pollet

AN ACT Relating to improving climate resilience through updates to the state's integrated climate response strategy; amending RCW 70A.05.010, 70A.05.020, 70A.05.030, and 70A.05.040; adding a new section to chapter 70A.05 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1171 by Representatives Mosbrucker and Graham

AN ACT Relating to modifying the motorcycle safety education advisory board; and amending RCW 46.20.520.

Referred to Committee on Transportation.

HB 1172 by Representatives McEntire, Jacobsen and Walsh

AN ACT Relating to incorporating working families fiscal impacts in fiscal notes; amending RCW 43.88A.010; and adding a new section to chapter 43.88A RCW.

Referred to Committee on Appropriations.

HB 1173 by Representatives Connors, Klicker and Rude

AN ACT Relating to reducing light pollution associated with certain energy infrastructure; adding a new section to chapter 80.50 RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Environment & Energy.

HB 1174 by Representatives Simmons, Farivar, Reed, Street, Bateman, Ramel, Macri, Reeves, Lekanoff, Davis and Ormsby

AN ACT Relating to improving access and removing barriers to jail-based voting; adding a new section to chapter 29A.04 RCW; and adding a new chapter to Title 29A RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1175 by Representatives Doglio, Dye and Leavitt

AN ACT Relating to creating a state financial assurance program for petroleum underground storage tanks; amending RCW 82.23A.020; reenacting and amending RCW 70A.325.020 and 43.79A.040; adding a new chapter to Title 70A RCW; prescribing penalties; and providing expiration dates.

Referred to Committee on Environment & Energy.

HB 1176 by Representatives Slatter, Fitzgibbon, Berry, Walen, Ramel, Leavitt, Taylor, Callan, Macri, Ryu, Reeves, Reed, Mena, Chopp, Duerr, Thai, Wylie, Ortiz-Self, Stonier, Pollet and Tharinger

AN ACT Relating to developing opportunities for service and workforce programs to support climate-ready communities; adding new sections to chapter 43.41 RCW; adding new sections to chapter 28C.18 RCW; creating a new section; and repealing RCW 43.330.310, 50.12.320, and 28C.18.170.

Referred to Committee on Postsecondary Education & Workforce.

HB 1177 by Representatives Lekanoff, Orwall, Reed, Berry, Ramel, Callan, Doglio, Timmons, Walsh, Reeves, Chopp, Duerr, Gregerson, Taylor, Wylie, Stonier, Pollet, Davis, Kloba and Ormsby

AN ACT Relating to a missing and murdered indigenous women and people cold case investigations unit; adding a new section to chapter 43.10 RCW; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1178 by Representatives Hackney, Leavitt, Reed, Berry, Walen, Bateman, Ramel, Callan, Doglio, Macri, Duerr, Bergquist, Pollet, Santos and Ormsby

AN ACT Relating to the restoration of local government authority to regulate firearms by adopting ordinances or regulations relating to firearms that are in addition to or more restrictive than the requirements of state law; reenacting and amending RCW 9.41.300; adding a new section to chapter 9.41 RCW; creating a new section; and repealing RCW 9.41.290.

Referred to Committee on Civil Rights & Judiciary.

HB 1179 by Representatives Ramos, Goodman, Leavitt, Ryu, Ortiz-Self, Bateman, Taylor, Callan and Macri

AN ACT Relating to authorizing the state auditor to receive nonconviction data; and amending RCW 10.97.050 and 43.101.460.

Referred to Committee on State Government & Tribal Relations.

HB 1180 by Representatives Peterson, Senn, Alvarado, Reed, Walen, Street, Berry, Bateman, Ramel, Fitzgibbon, Doglio,

Macri, Callan, Simmons, Lekanoff, Duerr, Gregerson, Bergquist, Pollet, Davis, Fosse, Ormsby and Tharinger

AN ACT Relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of assault weapons, and by providing limited exemptions applicable to licensed firearm manufacturers and dealers for purposes of sale to armed forces branches and law enforcement agencies for purposes of sale or transfer outside the state; reenacting and amending RCW 9.41.010; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1181 by Representatives Duerr, Fitzgibbon, Berry, Peterson, Ryu, Alvarado, Taylor, Reed, Walen, Bateman, Ramel, Goodman, Doglio, Macri, Callan, Simmons, Lekanoff, Gregerson, Bergquist, Stonier, Pollet, Davis, Kloba, Riccelli, Mena and Tharinger

AN ACT Relating to improving the state's climate response through updates to the state's planning framework; amending RCW 36.70A.020, 36.70A.480, 36.70A.320, 36.70A.190, 86.12.200, and 36.70A.030; reenacting and amending RCW 36.70A.070 and 36.70A.130; adding new sections to chapter 36.70A RCW; adding a new section to chapter 70A.45 RCW; adding a new section to chapter 47.80 RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1182 by Representative Wylie

AN ACT Relating to providing a tax exemption for the first 20,000 gallons of wine sold by a winery in Washington; adding a new section to chapter 66.24 RCW; and creating a new section.

Referred to Committee on Regulated Substances & Gaming.

HB 1183 by Representatives Dye, Sandlin, Christian, Jacobsen, Barkis, Walsh, Barnard and Schmick

AN ACT Relating to prohibiting Washington from adopting California vehicle emissions standards; adding a new section to chapter 70A.15 RCW; creating a new section; repealing RCW 70A.30.010 and 70A.30.030; and providing an effective date.

Referred to Committee on Environment & Energy.

HB 1184 by Representatives Hackney, Duerr and Pollet

AN ACT Relating to enacting the used motor vehicles express warranties act; and adding a new chapter to Title 46 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1185 by Representatives Hackney, Duerr, Berry, Ramel, Fitzgibbon, Doglio and Pollet

AN ACT Relating to reducing environmental impacts associated with lighting products; amending RCW 70A.230.020, 70A.505.010, 70A.505.020, 70A.505.030, 70A.505.040, 70A.505.050, 70A.505.060, 70A.505.070, 70A.505.100, 70A.505.110, 70A.505.120, 70A.505.130, 70A.505.160, 82.04.660, 43.21B.110, and 70A.230.080; adding a new section to chapter 70A.505 RCW; creating a new section; repealing RCW 70A.505.090, 43.131.421, 43.131.422, and 70A.230.150; prescribing penalties; and providing effective dates.

Referred to Committee on Environment & Energy.

HB 1186 by Representatives Rule, Ramel, Callan, Doglio, Macri, Simmons, Timmons, Reeves, Thai, Wylie, Stonier, Davis and Ormsby

AN ACT Relating to making permanent and expanding the child welfare housing assistance program; amending RCW 74.13.802; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1187 by Representatives Hackney, Berry, Bateman, Ramel, Doglio, Simmons, Lekanoff, Bronoske, Wylie, Stonier, Pollet and Ormsby

AN ACT Relating to privileged communication between employees and the unions that represent them; reenacting and amending RCW 5.60.060; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.76 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 49.36 RCW; adding a new section to chapter 53.18 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1188 by Representatives Senn, Taylor, Reed, Leavitt, Callan, Macri, Simmons, Timmons, Chopp, Lekanoff, Couture, Gregerson, Thai, Wylie, Stonier, Schmick, Santos, Pollet, Kloba, Eslick and Ormsby

AN ACT Relating to individuals with developmental disabilities that have also received child welfare services; and amending RCW 43.88C.010, 43.88.058, 71A.24.005, 71A.24.010, and 71A.12.370.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1189 by Representatives Hackney, Reed, Simmons, Wylie, Santos and Ormsby

AN ACT Relating to the release of incarcerated individuals from total confinement prior to the expiration of a sentence; amending RCW 9.94A.501, 9.94A.565, 9.94A.633, and 9.94A.880; reenacting and amending RCW 9.94A.728 and 9.94A.885; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1190 by Representatives Dye, Sandlin, Abbarno, Goehner and Barnard

AN ACT Relating to environmental leadership through outdoor recreation and climate adaptation investments; amending RCW 70A.65.250 and 70A.65.305; reenacting and amending RCW 70A.65.030, 70A.65.040, and 70A.65.230; adding a new section to chapter 70A.65 RCW; creating a new section; and repealing RCW 70A.65.260 and 70A.65.270.

Referred to Committee on Environment & Energy.

HB 1191 by Representatives Springer, Kretz, Dent, Santos, Walsh, Ramel, McEntire, Goodman, Barnard, Leavitt, Doglio, Lekanoff and Duerr

AN ACT Relating to reauthorizing the business and occupation tax deduction for cooperative finance organizations; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 1192 by Representatives Duerr, Doglio, Berry, Ramel, Fitzgibbon, Lekanoff and Pollet

AN ACT Relating to electric power system transmission planning; amending RCW 19.280.030, 80.50.060, and 80.50.045; adding a new section to chapter 19.280 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HJR 4200 by Representative Walsh

Setting the taxable value of owner-occupied property.

Referred to Committee on Finance.

HCR 4400 by Representatives Fitzgibbon and Kretz

Calling a Joint Session of the Legislature for the purposes of receiving the State of the State address.

HCR 4401 by Representatives Fitzgibbon and Kretz

Adopting joint rules.

#### MOTION

With the consent of the House, the rules were suspended and HOUSE CONCURRENT RESOLUTION NO. 4400 and HOUSE CONCURRENT RESOLUTION NO. 4401 were placed on the second reading calendar.

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

#### SECOND READING

**HOUSE CONCURRENT RESOLUTION NO. 4401, by Representatives Fitzgibbon and Kretz**

**Adopting joint rules.**

The concurrent resolution was read the second time.

Representative Fitzgibbon moved adoption of HOUSE CONCURRENT RESOLUTION NO. 4401.

Representative Fitzgibbon spoke in favor of the adoption of the concurrent resolution.

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4401.

HOUSE CONCURRENT RESOLUTION NO. 4401 was adopted.

**HOUSE CONCURRENT RESOLUTION NO. 4400, by Representatives Fitzgibbon and Kretz**

**Calling a Joint Session of the Legislature for the purposes of receiving the State of the State address.**

The concurrent resolution was read the second time.

Representative Fitzgibbon moved adoption of HOUSE CONCURRENT RESOLUTION NO. 4400.

Representative Fitzgibbon spoke in favor of the adoption of the concurrent resolution.

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4400.

HOUSE CONCURRENT RESOLUTION NO. 4400 was adopted.

With the consent of the House, HOUSE CONCURRENT RESOLUTION NO. 4400 and HOUSE CONCURRENT RESOLUTION NO. 4401 were immediately transmitted to the Senate.

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

#### MOTION

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 1049 which was referred to the Committee on Local Government and HOUSE BILL NO. 1187 which was referred to the Committee on Civil Rights & Judiciary.

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

#### COMMITTEE APPOINTMENT(S)

**Agriculture and Natural Resources (11) -- Chapman, Chair (D); Morgan, Vice Chair (D); Reeves, Vice Chair (D); \*Dent; \*\*Chandler; Kloba; Kretz; Lekanoff; Orcutt; Schmick; Springer**

**Appropriations (31) -- Ormsby, Chair (D); Bergquist, Vice Chair (D); Gregerson, Vice Chair (D); Macri, Vice Chair (D); \*Stokesbary; \*\*Chambers; \*\*Corry; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier; Tharinger**

**Capital Budget (29) -- Tharinger, Chair (D); Callan, Vice Chair (D); Hackney, Vice Chair (D); \*Steele; \*\*Abbarno; \*\*Sandlin; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns; Waters**

**Civil Rights & Judiciary (11) -- Hansen, Chair (D); Farivar, Vice Chair (D); \*Walsh; \*\*Graham; Cheney; Entenman; Goodman; Peterson; Rude; Thai; Walen**

**Community Safety, Justice, & Reentry (9) -- Goodman, Chair (D); Simmons, Vice Chair (D); \*Mosbrucker; \*\*Griffey; Davis; Farivar; Fosse; Graham; Ramos**

**Consumer Protection & Business (13) -- Walen, Chair (D); Reeves, Vice Chair (D); \*Corry; \*\*McClintock; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos; Volz**

**Education (15) -- Santos, Chair (D); Shavers, Vice Chair (D); \*Rude; \*\*McEntire; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier; Timmons**

**Environment & Energy (15) -- Doglio, Chair (D); Mena, Vice Chair (D); \*Dye; \*\*Ybarra; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter; Street**

**Finance (13) -- Berg, Chair (D); Street, Vice Chair (D); \*Orcutt; \*\*Jacobsen; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen; Wylie**

**Health Care & Wellness (17) -- Riccelli, Chair (D); Bateman, Vice Chair (D); \*Schmick; \*\*Hutchins; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai; Tharinger**

**Housing (13) -- Peterson, Chair (D); Alvarado, Vice Chair (D); Leavitt, Vice Chair (D); \*Klicker; \*\*Connors; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed; Taylor**

**Human Services, Youth, & Early Learning (10) -- Senn, Chair (D); Cortes, Vice Chair (D); Taylor, Vice Chair (D); \*Eslick; \*\*Couture; Callan; Dent; Goodman; Ortiz-Self; Rule**

**Innovation, Community & Economic Development, & Veterans (15) -- Ryu, Chair (D); Donaghy, Vice Chair (D);**

**Rule, Vice Chair (D);** \*Volz; \*\*Barnard; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters; Ybarra

**Labor & Workplace Standards (9) -- Berry, Chair (D); Fosse, Vice Chair (D);** \*Robertson; \*\*Schmidt; Bronoske; Connors; Doglio; Ormsby; Ortiz-Self

**Local Government (7) -- Duerr, Chair (D); Alvarado, Vice Chair (D);** \*Goehner; \*\*Jacobsen; Berg; Griffey; Riccelli

**Postsecondary Education & Workforce (15) -- Slatter, Chair (D); Entenman, Vice Chair (D); Reed, Vice Chair (D);** \*Ybarra; \*\*Waters; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt; Timmons

**Regulated Substances & Gaming (11) -- Kloba, Co-Chair (D); Wylie, Co-Chair (D);** \*Chambers; \*\*Robertson; Cheney; Morgan; Orwall; Reeves; Stearns; Walsh; Waters

**Rules (24) -- Jenkins, Chair (D);** Bergquist; Davis; Fitzgibbon; Goehner; Gregerson; Harris; Jacobsen; Kretz; Leavitt; Lekanoff; Low; Maycumber; Morgan; Ortiz-Self; Orwall; Pollet; Ramel; Schmidt; Simmons; Springer; Stonier; Walsh; Wilcox

**State Government & Tribal Relations (7) -- Ramos, Chair (D); Stearns, Vice Chair (D);** \*Abbarno; \*\*Christian; Gregerson; Low; Mena

**Transportation (29) -- Fey, Chair (D); Donaghy, Vice Chair (D); Paul, Vice Chair (D); Timmons, Vice Chair (D);** \*Barkis; \*\*Hutchins; \*\*Low; \*\*Robertson; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh; Wylie

\* Ranking Minority Member

\*\* Asst. Ranking Minority Member

The Sergeant at Arms announced that the House delegation to the Governor had returned. The delegation was escorted to the rostrum and Representatives Mena and Couture reported to the body.

On the motion of Representative Fitzgibbon, the House adjourned until 11:30 a.m., January 10th, 2023, the 2nd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SECOND DAY

House Chamber, Olympia, Tuesday, January 10, 2023

The House was called to order at 11:30 a.m. by the Speaker.

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.

**MESSAGES FROM THE SENATE**

Monday, January 9, 2023

Mme. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8400  
SENATE CONCURRENT RESOLUTION NO. 8401

and the same are herewith transmitted.

Sarah Bannister, Secretary

Monday, January 9, 2023

Mme. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4400  
HOUSE CONCURRENT RESOLUTION NO. 4401

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

**INTRODUCTION & FIRST READING**HB 1193 by Representatives Dye, Goehner and Corry

AN ACT Relating to affirming that the legislature has not provided authority for the state building code council to use greenhouse gas emissions as a consideration in residential building codes or energy codes; amending RCW 19.27.020, 19.27A.020, and 19.27A.160; reenacting and amending RCW 70A.45.020; adding a new section to chapter 19.27A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1194 by Representative Klicker

AN ACT Relating to training, educating, and inspiring the next generation of the clean and renewable energy workforce; amending RCW 43.52.391; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.08.962 and 82.12.962; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1195 by Representatives Senn, Riccelli, Fitzgibbon, Walen, Fey, Ryu, Berry, Bateman, Simmons, Santos, Gregerson, Berg, Bergquist, Tharinger, Ramel, Doglio, Ormsby, Macri, Callan, Fosse, Thai and Pollet

AN ACT Relating to prohibiting the open carry of certain weapons in public parks and public hospitals; reenacting and amending RCW 9.41.300; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1196 by Representatives Mosbrucker and Davis

AN ACT Relating to public transparency in the criminal plea negotiation process; creating a new section; and providing an expiration date.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1197 by Representatives Bronoske, Berry, Bateman, Simmons, Fosse, Davis and Pollet

AN ACT Relating to defining attending provider and clarifying other provider functions for workers' compensation claims, and adding psychologists as attending providers for mental health only claims; amending RCW 51.04.050, 51.28.010, 51.28.020, 51.28.030, 51.32.055, 51.32.090, 51.32.095, 51.36.010, 51.36.022, 51.36.060, and 51.36.070; adding a new section to chapter 51.08 RCW; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1198 by Representatives Bronoske, Fey, Leavitt and Jacobsen

AN ACT Relating to authorizing public transportation benefit areas to become limited authority Washington law enforcement agencies; amending RCW 36.57A.080; reenacting and amending RCW 10.93.020; and adding a new section to chapter 36.57A RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1199 by Representatives Senn, Eslick, Leavitt, Berry, Bateman, Kloba, Reed, Simmons, Tharinger, Ramel, Doglio, Goodman, Macri, Callan, Fosse and Pollet

AN ACT Relating to licensed child care in common interest communities; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; and prescribing penalties.

Referred to Committee on Housing.

HB 1200 by Representatives Alvarado, Bronoske, Fitzgibbon, Berry, Bateman, Reed, Simmons, Bergquist, Ramel, Doglio, Ormsby, Ortiz-Self, Fosse, Pollet and Chopp

AN ACT Relating to requiring public employers to provide employee information to exclusive bargaining representatives; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; and adding a new section to



chapter 28B.52 RCW; and adding a new section to chapter 41.80 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 1201 by Representatives Ormsby, Macri and Morgan

AN ACT Relating to actuarial funding of state retirement systems; amending RCW 41.45.060 and 41.45.150; repealing 2021 c 334 s 747 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1202 by Representatives Ormsby and Macri

AN ACT Relating to eliminating accounts; amending RCW 43.84.092 and 43.84.092; decodifying RCW 43.99N.040; repealing RCW 13.40.466, 43.72.902, 43.83.300, 43.83.310, 43.83.320, 43.83.370, and 70A.135.100; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1203 by Representatives Ormsby and Macri

AN ACT Relating to improving the fiscal process by updating accounts administered by the office of financial management, creating new accounts including one for the opioid litigation settlement and one for the receipt of federal funds, and reenacting accounts created in the supplemental budget bill; amending RCW 43.41.450, 41.06.280, 41.06.285, 43.84.092, and 43.84.092; reenacting RCW 43.79.567 and 43.330.365; adding new sections to chapter 43.79 RCW; adding a new section to chapter 38.52 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1204 by Representatives Callan, Eslick, Leavitt, Bateman, Kloba, Reed, Simmons, Doglio, Goodman, Ortiz-Self, McEntire, Davis and Pollet

AN ACT Relating to implementing the family connections program; amending RCW 74.13.715; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1205 by Representatives Taylor, Reed and Senn

AN ACT Relating to responsibility for providing service by publication of a summons or notice in dependency and termination of parental rights cases; and amending RCW 13.34.080.

Referred to Committee on Civil Rights & Judiciary.

HB 1206 by Representatives Pollet, Walen, Leavitt, Orwall, Chapman, Rule, Ryu, Berry, Bateman, Berg, Ramel, Ormsby, Callan, Senn, Ortiz-Self, Fosse, Paul and Thai

AN ACT Relating to tax relief for newspaper publishers; amending RCW 82.04.260, 35.102.150, 82.04.460, and 82.08.806; adding a new section to chapter 82.04 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 1207 by Representatives Senn, Rude, Fey, Reed, Bergquist, Ramel, Doglio, Callan, Thai and Pollet

AN ACT Relating to preventing and responding to harassment, intimidation, bullying, and discrimination in schools by requiring distribution of related policies and complaint procedures, designation of a primary contact for compliance with nondiscrimination laws, and changing a prejudicial student discipline term; amending RCW 28A.300.042 and 28A.600.015; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.642 RCW; and creating a new section.

Referred to Committee on Education.

HB 1208 by Representatives Walen and Corry

AN ACT Relating to pet insurance; adding a new chapter to Title 48 RCW; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

EHB 1209 by Representatives Leavitt, Griffey, Fey, Bronoske and Davis

AN ACT Relating to restricting the possession, purchase, delivery, and sale of certain equipment used to illegally process controlled substances; amending RCW 9.94A.518; adding a new section to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

EHB 1210 by Representatives Rude, Callan, Fey and Bergquist

AN ACT Relating to the recording of school board meetings; amending RCW 42.56.080 and 42.30.035; adding a new section to chapter 42.56 RCW; adding a new section to chapter 28A.320 RCW; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1211 by Representatives Bergquist, Rude, Caldier, Kloba, Doglio and Senn

AN ACT Relating to special education funding formula; and amending RCW 28A.150.390.

Referred to Committee on Appropriations.

HB 1212 by Representatives Dye and Pollet

AN ACT Relating to outdoor recreation affordability; amending RCW 46.16A.090, 77.15.160, and 77.15.750; creating a new section; and repealing RCW 79A.80.005, 79A.80.010, 79A.80.020, 79A.80.030, 79A.80.040, 79A.80.050, 79A.80.060, 79A.80.070, 79A.80.080, 79A.80.090, 79A.80.100, 79A.80.110, and 79A.80.120.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1213 by Representatives Ybarra, Fitzgibbon, Ramel, Doglio and Macri

AN ACT Relating to compliance with labeling requirements for wipes; amending RCW 70A.525.901 and 70A.525.020; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1214 by Representative Walsh

AN ACT Relating to enacting the protecting children's bodies act; amending RCW 48.43.0128 and 74.09.675; adding a new

section to chapter 43.70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1215 by Representatives Chapman, Lekanoff, Berry, Kloba, Reed, Simmons, Tharinger, Ramel, Doglio, Macri, Senn and Pollet

AN ACT Relating to the protection and restoration of riparian areas; adding a new section to chapter 89.08 RCW; adding new sections to chapter 77.85 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture and Natural Resources.

HB 1216 by Representatives Fitzgibbon, Doglio, Berry, Reed, Simmons, Macri, Fosse and Pollet

AN ACT Relating to clean energy siting; adding new sections to chapter 43.21C RCW; adding a new section to chapter 36.70B RCW; adding new chapters to Title 43 RCW; and creating new sections.

Referred to Committee on Environment & Energy.

HB 1217 by Representatives Ortiz-Self, Fosse, Berry, Reed, Simmons, Gregerson, Ramel, Macri and Pollet

AN ACT Relating to improving worker recovery in wage complaints by authorizing the collection of interest and studying other options; amending RCW 49.48.083; creating a new section; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

HB 1218 by Representatives Bergquist, Stokesbary, Tharinger, Doglio and Macri

AN ACT Relating to adding a new caseload for the official caseload forecast for the number of people eligible for the working families' tax credit under RCW 82.08.0206; and amending RCW 43.88C.010.

Referred to Committee on Appropriations.

HB 1219 by Representatives Pollet, Bronoske, Ramel, Berry and Riccelli

AN ACT Relating to public transportation benefit area governing bodies; amending RCW 36.57A.050; and creating a new section.

Referred to Committee on Local Government.

HB 1220 by Representatives Mena, Reed, Simmons and Morgan

AN ACT Relating to establishing universal civic duty voting; amending RCW 29A.40.010, 29A.08.330, 29A.08.355, and 46.20.155; reenacting and amending RCW 29A.08.320 and 29A.36.161; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.84 RCW; adding a new section to chapter 29A.04 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 1221 by Representatives Stearns, Kloba, Ramel, Goodman and Morgan

AN ACT Relating to the privacy of lottery players; and amending RCW 42.56.230.

Referred to Committee on State Government & Tribal Relations.

SCR 8400 by Senators Pedersen and Short

Convening a joint session for the purpose of receiving the State of the Judiciary message.

SCR 8401 by Senators Pedersen and Short

Establishing cutoff dates for the consideration of legislation during the 2023 regular session of the sixty-eighth legislature.

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, with the exception of HOUSE BILL NO. 1194 which was referred to the Committee on Postsecondary Education & Workforce Development.

There being no objection, the rules were suspended and SENATE CONCURRENT RESOLUTION NO. 8400 and SENATE CONCURRENT RESOLUTION NO. 8401 were placed on the second reading calendar.

### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE CONCURRENT RESOLUTION NO. 4400  
HOUSE CONCURRENT RESOLUTION NO. 4401

### JOINT SESSION

Pursuant to House Concurrent Resolution No. 4400, the Senate appeared at the doors of the House of Representatives and requested admission to the Chamber. The Sergeant at Arms of the House, Mr. Johnny Alexander, and the Sergeant at Arms of the Senate, Mr. Andy Staubitz, escorted the President of the Senate, Lieutenant Governor Denny Heck, Senator Karen Keiser, Senator Judy Warnick and Senator T'wina Nobles to seats at the Rostrum. The senators were invited to seats within the Chamber.

The Speaker of the House called upon the President of the Senate, Lt. Governor Denny Heck, to preside over the Joint Session.

The President of the Senate, Lt. Governor Heck, called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was declared to be present.

President Heck: "This Joint Session has been convened to receive the state of the state message from His Excellency, Governor Jay Inslee."

### APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a special committee to escort the State Supreme Court Justices to the House Chamber: Representatives McClintock and Farivar and Senators Shewmake and MacEwen.

### APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a special committee to escort the statewide elected officials to the House Chamber: Representatives Street and Low and Senators Kauffman and Hawkins.

### APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a special committee to advise His Excellency, Governor Jay Inslee, that the Joint Session had assembled and to escort the Governor to the House Chamber:

Representatives Stearns and Hutchins and Senators Hasegawa and Fortunato.

Sergeant at Arms Alexander announced the arrival of the Justices of the State Supreme Court at the Chamber door. The special committee consisting of Representatives McClintock and Farivar and Senators Shewmake and MacEwen escorted the Chief Justice and Justices to seats at the front of the House Chamber. The members of the Supreme Court were introduced by the President: Chief Justice Steven Gonzalez, Associate Chief Justice Charles Johnson, Justice Barbara Madsen, Justice Susan Owens, Justice Debra Stephens, Justice Sheryl Gordon-McCloud, Justice Mary Yu and Justice Raquel Montoya-Lewis.

Sergeant at Arms Alexander announced the arrival of the statewide elected officials at the Chamber door. The special committee consisting of Representatives Street and Low and Senators Kauffman and Hawkins escorted the statewide elected officials to seats at the front of the House Chamber. The statewide elected officials were introduced by the President: Secretary of State Steve Hobbs, State Treasurer Mike Pellicciotti, State Auditor Pat McCarthy, Attorney General Bob Ferguson, Superintendent of Public Instruction Chris Reykdal and Commissioner of Public Lands Hilary Franz.

The President introduced officers and members of the Consular Association of Washington: Vanessa Padgurny, Acting Consul General of Canada; Floribert Mubalama, Honorary Consul of the Democratic Republic of Congo; Mark Gantar, Honorary Consul of the Federal Democratic Republic of Ethiopia; Uli Fischer, Honorary Consul of the Federal Republic of Germany; Katalin Pearman, Honorary Consul of Hungary; Micheal Smith, Consul General of the Republic of Ireland; Hisao Inagaki, Consul General of the State of Japan; Daravuth Huoth, Consul of the Kingdom of Cambodia; Viggo Forde, Honorary Consul of the Kingdom of Norway; Eva Kammel, Honorary Consul of the Republic of Austria; Anders Barria Roman, Honorary Consul of the Republic of Chile; Matti Suokko, Honorary Consul of the Republic of Finland; Eunji Seo, Honorary Consul of the Republic of Korea; Imants F. Holmquist, Honorary Consul of the Republic of Latvia; Miguel A. Velasquez, Honorary Consul General of the Republic of Peru; Iulian Calinov, Honorary Consul of Romania; Philippe Gowetschel, Honorary Consul of the Swiss Confederation; Elisabetta Valentini, Honorary Consul of the Italian Republic; Valeriy Goloborodko, Honorary Consul of Ukraine; Daniel Chen, Director General of Taipei Economic and Cultural Office; Joe White, Consul of the United Kingdom of Great Britain and Northern Ireland; and Gerardo Guiza, Deputy Consul of the United Mexican States.

The President introduced former Lieutenant Governor Brad Owen who was present in the Chamber.

The President recognized tribal chairs, leaders, and representatives of the Native tribes within Washington who were present in the gallery.

Sergeant at Arms Alexander announced the arrival of His Excellency, Governor Jay Inslee at the Chamber door. The special committee consisting of Representatives Stearns and Hutchins and Senators Hasegawa and Fortunato escorted Governor Inslee to the Rostrum where he was introduced by the President.

The Washington State Patrol Honor Guard, commanded by Lieutenant Matt Fehler, presented the Colors. The Honor Guard was comprised of Trooper Kyle Flaig, Trooper Dean Gallanger, Sergeant James Maguire and Sergeant William Rutherford.

The National Anthem was performed by the Tacoma Refugee Choir directed by Ms. Erin Guinup.

The President led the Joint Session in the Pledge of Allegiance.

The prayer was offered by Father Andriy Matlak, Holy Trinity Ukrainian Orthodox Church, Seattle.

The President welcomed and introduced Ms. Rena Priest, Washington State Poet Laureate, who was seated at the rostrum.

Ms. Rena Priest, speaking in her Lummi language, expressed her pleasure in joining the Joint Session to share her poem written to the theme "A Vision for a More Equitable 2023."

The President introduced the Honorable Jay Inslee, Governor of the State of Washington.

## STATE OF THE STATE

Governor Inslee: "Thank you. Thank you very much for that greeting. Good afternoon on a beautiful day in the state of Washington. And it is a beautiful day and it's been made more beautiful by our guest Father Andriy Matlak, Poet Laureate Rena Priest and the Tacoma Refugee Choir. Thank you very much for enlightening us and inspiring us. We appreciate that.

And a very warm welcome and congratulations to our twenty-nine newly-elected senators and representatives. I'm excited to be in service with you.

And as Speaker Jinkins remarked yesterday, our government should be reflective and representative of the people we serve. This year we are welcoming the most diverse legislature in our state's history.

And I want to give, if you will allow me, I would like to express my deep appreciation for my family, particularly my grandchildren, who always inspire me to take the long view. And particularly, of course, to Trudi Inslee, who is such a great partner, and I mean great.

Mr. President, Madame Speaker, Mr. Chief Justice, distinguished justices of the court, members of the Legislature, tribal leaders, state and local officials, and members of the Consular Corps, particularly the Ukrainian Honorary Consul Valeriy Goloborodko, We stand with Ukraine in the state of Washington.

My fellow Washingtonians, after two years of delivering the State of the State virtually, it is great to be back here together again. And I want to tell you, you all look great. You haven't aged a day in two years. So, there's good news here.

Look, I know we have big challenges this session. As leaders, we will be called upon these next few months to act with decisiveness, with ambition, with audacity.

And the good news is that here in Washington state, ambition and audacity are both embedded in our state's DNA.

And as I was giving thought about the challenges we face this session, I realized we aren't facing anything we aren't ready for.

I was thinking about my comments today, it was just something that we're ready to do. When you think about the things we've passed in the recent years that are now becoming real, and they need them to become real. People are eager to see bold and inclusive leadership and action.

Think about this, five years ago we launched a transformation of our centuries-old behavioral health system. Today, that effort is resulting in dozens of new facilities opening throughout our state that offer more kinds of care in more places for more people.

Two years ago, we funded a new type of rapid acquisition housing. It's speeding up our ability to create supportive housing in a matter of weeks and months, instead of years and decades.

The climate policies we passed in recent sessions are now going into effect. And not only are these policies driving down polluting emissions, they are also creating thousands of clean energy jobs across our state.

Two years ago, we passed a Working Families Tax Credit that starts next month. This credit will put as much as \$1,200 into the hands of more than 400,000 Washington families.

And the list goes on: paid family leave; broadband access; career connected learning; and the best financial program, financial aid program for students in the nation.

Here in our state, we invest in our people, and we invest in our communities.

It's a reason we have been rated the best state in America, the best economy in America, the second-best state for business, the third best state for workers — we can't be number one in everything, but we sure come close every year.

And this is not an accident. It is because of the work we do in these chambers.

And because of that work and because of the work of millions of Washingtonians, I can proudly report to you this: the state of our state is strong. And I am happy.

If we continue building on the investments and policies we've started, we can continue building a Washington: Where everyone is housed. Where schools are safe from gun violence, and students receive the mental and educational support they need. Where the existential crisis of climate change is met by unmatched innovation. Where communities are welcoming and safe for all. Where all people have a constitutional right to reproductive freedom. And, where people struggling with mental health or substance abuse no longer fall unseen and unheard through the cracks.

Building a Washington that fits this vision is entirely within our grasp this session. We can set the bar this high because we know we're able to achieve it. Let's take housing and homelessness as an example.

We know states across the country are seeing an increase in homelessness, and Washington unfortunately is one of them. Why? Well, we know there are multiple reasons. Though some people face behavioral health challenges or chemical addiction issues, the fundamental, underlying challenge is that we do not have enough housing in our state for our people.

And it is a difficult irony of having such a strong economy. Well-paid workers flock here for jobs, forcing lower-paid workers to compete for housing. And when there's not enough housing for all, rents and prices skyrocket beyond what we can afford.

And until we fix our housing crisis, thousands of people will remain homeless. Today, we're short 81,000 housing units and worsening by the thousands each year.

Our population grew nearly 1 million people in the past decade. But housing stock only grew about 315,000 units. We're going to need another million units in the next 17 years. Again, until we fix our housing crisis, thousands of people will remain homeless. And we need a fix that provides a level of speed and scale beyond anything we've done in the past.

Now when it comes to building affordable housing, our Housing Trust Fund has been our primary tool for decades. But unfortunately, we can only adjust that dial a little bit here and there. We have been adjusting it up every biennium since 2013 — \$30-\$50 million at a time. But it simply isn't enough. And if there was ever a time to go big, it's now. And I understand the frustration of those who wonder why this problem hasn't been solved yet. And I understand the allure of easy answers to homelessness. But we all know there are no easy answers. Simply moving a person experiencing homelessness from one street corner or city to another is not a real solution.

Now, what is working are efforts such as the rapid acquisition program that we launched, and you launched two years ago. That program is allowing us now to create thousands of new supportive housing units at a pace that was never possible before. This is a pace we have to sustain and accelerate at scale.

I've seen the success of these programs in several housing projects that I've visited, including a few months ago when I met a young man named John Tori Mackey. He was at a pallet shelter village in Vancouver called The Outpost. Tori told me that having a private space all of his own, that was secure and access to services was the difference he needed to get effective treatment and get back on his feet. He told me it literally saved his life.

I also met a woman named Millicent, and her daughter, McKenna, last year. They lost their home right before COVID and couldn't find another place they could afford. But they found stability at the Willow Crossing in Seattle. I'd like all of you to meet Millicent and McKenna here. Thanks Millicent and McKenna. Where are you? I'm looking for you there. Thanks for being here today.

Their stories, and stories like Tori's, are not unlike most of the other 25,000 individuals experiencing homelessness in our state. When you're only one paycheck or one car repair away from a missed rent payment, it can feel impossible to find another option in a housing market like ours. So, I will say it again: Until we fix our housing crisis, thousands of people, like these folks, are going to remain homeless.

This is why I'm proposing a \$4 billion referendum that will significantly speed up the construction of thousands of new units that will include shelters, supportive housing and affordable housing. This will be combined with additional behavioral health support, and substance use treatment, and employment services and more. Why? Well, it's because we know that substance use treatment and mental health support can work when you combine it with secure, stable housing.

This is not a one-time effort to buy a one-time fix where the money just sort of disappears. This investment will turn into true assets, once built, will provide a pipeline of affordable housing for tens of thousands of more people every year. And most importantly, a bonding referendum allows us to act now, not bit by bit over the next 30 years.

So, this referendum will forward our ability to build, importantly, it offers us the scale and speed we need. Scale and speed are necessary for market-rate development, as well. We know that residential zoning restrictions block developers from building denser, more affordable options. And we simply have to finish the job we started last session to address middle housing and increase housing density within our communities. There is a way to do this that respects the unique character of our towns and cities, while also responding to the reality that look, we are a growing, changing state.

Again, until we fix our housing crisis, thousands of people will remain homeless. I believe the people in the state of Washington are with us on this. Let's go big. Let's get this done this session.

Now another issue confronting families and communities across Washington is behavioral health. And I've mentioned that we launched an effort in 2018 to transform our behavioral health system. We had a century-old model of care that wasn't working. And since then, we've been building a new, community-based systems that helps people get the specific type of care they need closer to their homes and loved ones. And we've made thousands of new beds available to patients across Washington for care that ranges from crisis stabilization to substance abuse disorder.

We're still building, and my budgets contain funding to keep every part of our plan on track, including the new 350-bed forensic hospital at Western. We've got work to do. But much like our housing crisis, this is not enough, particularly when it comes to forensic services. We are seeing an unprecedented increase in demand for competency evaluation and restoration services — a 60% increase in court orders just since 2018, and a 145% increase in inpatient referrals since 2013. This is not sustainable.

This state has been and will continue doing its part to shore up capacity. We've added hundreds of forensic beds since the Trueblood trial in 2015, and we plan on adding hundreds more.

But even with all these investments, this unprecedented growth in court orders and referrals is not manageable or sustainable. Nor is our criminal justice system really an effective way to connect people to the treatment they really need to restore their lives.

So, we should be prioritizing diversion and community-based treatment options rather than using the criminal justice system as an avenue to mental health care, particularly because competency services only treat people to be well enough to be prosecuted. Now, this has been a frustrating point of contention for families, lawyers, judges, patients, advocates, providers and for me. We have to find a better way. Lawsuits and lawyers are not going to fix this problem. So, I will be asking local leaders to join me in crafting a better plan, both for defendants' mental health and for public safety.

Now, while we do these things, we're also continuing our efforts in education. And we know that meeting the social and emotional needs of our students is an extremely important effort, and I commend this Legislature and you for making historic investments last year to increase funding for schools so that they can hire more nurses, counselors, psychologists, and social workers which is always important but particularly as we are coming through COVID. And my budget continues these additional investments.

I'm also hopeful this year that we can increase funding for special education. I've proposed more than \$120 million to better support school districts as they meet the needs of every student, no matter how complex their needs.

All told, my budget proposal increases K-12 spending by \$3 billion. We know that circumstances have been difficult for students, educators, paraeducators, school bus drivers and all the others who work in our schools. So, I hope you can join me in a moment of recognition for these people who have been so instrumental in helping students navigate the challenges of COVID and beyond. Thank you to these educators. I appreciate your work.

On another positive note, one effort we've made tremendous progress on is climate. And when we see the tremendous damage that climate change is causing in our state, it's understandable to feel some despair at times. But I think we're also entitled to feel deep pride in what we have accomplished together. The tremendous pace of innovation, together with the policies we've adopted, because of your leadership, ought to give us significant doses of hope when we need it.

When I travel and meet with other government leaders from around the world, they know about the work we're doing in Washington. They know we are leading America on this noble effort. We've passed several landmark policies that are transitioning us to clean transportation, clean electricity and clean buildings. Just last week, our clean fuel standard and our cap-and-invest programs went into effect. And we're doing this in a way that ensures overburdened communities will experience the economic and health benefits of this transition.

Now, our focus shifts to implementation and investment. Now when we do this, we need more capacity to permit clean energy projects in a timely manner, and we need to bolster our transmission infrastructure to reliably deliver clean energy throughout the state.

We also need to expand our research and development capacity. It was just fantastic to go over to the Tri-Cities with Senators Nguyen and Boehnke last month to talk about the potential for a new Institute for Northwest Energy Futures at Washington State University. This Institute will put the region to be a global leader and in the global forefront of clean tech innovation. Go Cougs! And I hope you can help on this. I am not above pandering to Sam Hunt; I will tell you that. I admit to that.

Look, on the investment side this is a really big deal too, obviously now that this program is live. Our state's new cap-and-invest program will allow us, this year, to transform how we invest in transportation and our communities. Heat pumps for low-income families, charging stations across the state, hydroelectric ferries, free transit for youth, grants to clean up air pollution. The list goes on. Again, because of the work you have done. The CCA [Climate Commitment Act] will provide an estimated \$1.7 billion that will be used for projects to drive down emissions, create jobs and give people cleaner air and make communities healthier. This act is also helping us invest in the strongest suite of salmon recovery actions in the state's history. We know salmon are iconic to our state, to all Washingtonians, and certainly to the tribes' culture and way of life.

This will also fund a new voluntary riparian grant program that offers landowners assistance to protect and recover these habitats statewide. Now here's a sad truth, unfortunately, climate change will continue increasing the temperatures of our waters and killing salmon for years to come regardless of some of our best efforts. We need to minimize that. But we have to face this reality. So, providing shade that helps cool rivers and streams is even more critical in the years to come.

And I believe this, as legislators, when future generations look back at you and your efforts forty to fifty years from now, I know they will be proud you took action that gave their generation a chance. So, let's do just that. Let's boldly continue our fight against climate change and salmon extinction this session.

I know the list of things we intend to accomplish is long, but there are a couple more things I want to touch on. The first is public safety. That phrase – public safety – evokes different meanings and ideas amongst people. And I think we need to escape the trap that public safety is about any one thing – mental health or gun safety or drug treatment or law enforcement. The clear fact is, we need them all. One thing we know is that gun violence is a significant driver of increased crime. This isn't a surprise considering that the gun lobby has worked for decades against common sense gun safety measures.

Fortunately, in Washington state, voters and legislators have been willing to take on the gun lobby. We've enacted several measures to strengthen background checks and put limits on the kinds of weaponry used in mass shootings.

This year, we need to continue that work in three ways. First, one of the most meaningful measures, and effective measures that we can take is requiring that people have safety training, basic safety training, before they purchase a gun. Look, we expect that people have, we ought to expect that people have some basic training. We accept training in multiple parts of our lives. So, we should expect that people have basic training when they buy a gun. This has worked in other states. It is time to put it to work in Washington.

Second, we must increase accountability among manufacturers and dealers, and give families and victims access to justice when those entities fail to do their duty. And third, the time has come for the Legislature to ban the sale of military style assault weapons. These weapons are designed for the sole purpose of destroying lives; the lives of school children, law enforcement officers, concertgoers, nightclub patrons, and people gathered in houses of worship. We owe our children the assurance we're doing all we can to keep them safe. Let's pass all three bills and prove to them that the gun lobby doesn't make the rules in Washington state. We do.

Now, of course, gun safety laws are not the only thing we need. We want to help local law enforcement agencies hire and train more officers. They need more officers on our streets and in our neighborhoods. Last summer, Sen. John Lovick and I were joined by dozens of chiefs and sheriffs to propose new regional training centers. These new facilities will allow us to train hundreds of more recruits and help law enforcement agencies recruit people from within their diverse communities.

And also, sometimes the right response isn't necessarily from a law enforcement officer. I applaud the incredible work underway to implement our new 9-8-8 system. Unlike most states, this Legislature had the foresight to see this as much more than a crisis hotline. We're using this opportunity to create a true behavioral health crisis response system. And your continued support puts us on a path to ensure people facing a mental health, substance abuse, or suicidal crisis can be connected to mobile responders or culturally competent behavioral health providers. Thank you for making this work possible. I appreciate your leadership.

There is one other very important priority we have to address. And that's the rights of Washingtonians seeking reproductive care. We know, the Dobbs decision last year on the national level upended decades of precedent that assured people across the country had at least some measure of constitutional protection, constitutional protection for abortion care and contraception. That protection is gone for more than half the people in our nation. And the new Republican majority in Congress this weekend made further abortion restrictions one of their top priorities. So, in Washington state, we are fighting to make sure that this right remains protected.

We must protect patient data and privacy. We must protect access from the threat of health care consolidation and cost barriers. We must protect patients and providers from persecution by vigilantes and activist politicians in anti-choice states. And finally, and most importantly, we must pass a constitutional amendment that expressly establishes a fundamental right to reproductive freedom in the great state of Washington.

Before I close, I want to make a bit of a personal comment to you all. I want to express my personal thanks to you and to your families, for your service this session. You have each left your hearth and home to come here to serve your constituents and further the progress and success of our state. And when you do so, I know you will all strive and toil to enact the policies you believe in, and yet may never know many of the actual people you've really helped due to your work.

You may never know the single mom you've helped out of homelessness, but she'll be there. You may never know the teenager in a mental health crisis that you helped, but they'll be there. You may never know the person who was not a victim of gun violence because of your actions, but they'll be there. They'll all be there by the hundreds and thousands. Taken care of because of your efforts. And at the end of this session, I am confident you

will feel the deep satisfaction of those who know they have made a difference.

We have emerged recently through two great threats — one to our personal health and our family’s health, and one to our body politic. Because of the combination of scientific genius and sound decision-making in our state, we are no longer dominated by a virus. Because we stood up to those who dared to dismantle democracy, it is a joy to say with assurance and confidence that democracy is today intact in Washington state. So, now, it is our blessed opportunity to fully exercise the power of democracy, not with half measures, empty gestures, or platitudes. But with the boldness and the ambition that is fitting to the unlimited capacity of the Evergreen State.

We have a special state. We have a special moment. Let’s realize both. Let’s get to work. Thank you.”

The President thanked the Governor for his remarks.

The President called upon the special committee consisting of Representatives Stearns and Hutchins and Senators Hasegawa and Fortunato to escort His Excellency, Governor Inslee from the Chamber and the Governor retired from the House Chamber.

The President called upon the special committee consisting of Representatives Street and Low and Senators Kauffman and Hawkins to escort the statewide elected officials from the Chamber and the statewide elected officials retired from the House Chamber.

The President called upon the special committee consisting of Representatives McClintock and Farivar and Senators Shewmake and MacEwen to escort the Justices of the Supreme Court from the Chamber and the Justices of the Supreme Court retired from the House Chamber.

On the motion of Representative Fitzgibbon, the Joint Session was dissolved. The President of the Senate thanked the Speaker and the House for their hospitality and returned the gavel to the Speaker. The Speaker assumed the chair.

The Speaker called upon the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort Lt. Governor Denny Heck, President of the Senate; Senator Karen Keiser, President Pro Tempore; Senator Judy Warnick and Senator T’wina Nobles and members of the Washington State Senate from the Chamber and the Senate retired from the House Chamber.

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

## SECOND READING

**SENATE CONCURRENT RESOLUTION NO. 8400, by Senators Pedersen and Short**

**Convening a joint session for the purpose of receiving the State of the Judiciary message.**

The concurrent resolution was read the second time.

Representative Fitzgibbon moved adoption of SENATE CONCURRENT RESOLUTION NO. 8400.

Representative Fitzgibbon spoke in favor of the adoption of the resolution.

The Speaker stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8400.

SENATE CONCURRENT RESOLUTION NO. 8400 was adopted.

**SENATE CONCURRENT RESOLUTION NO. 8401, by Senators Pedersen and Short**

**Establishing cutoff dates for the consideration of legislation during the 2023 regular session of the sixty-eighth legislature.**

The concurrent resolution was read the second time.

Representative Fitzgibbon moved adoption of SENATE CONCURRENT RESOLUTION NO. 8401.

Representative Fitzgibbon spoke in favor of the adoption of the resolution.

The Speaker stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8401.

SENATE CONCURRENT RESOLUTION NO. 8401 was adopted.

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

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

## MOTION

There being no objection, the Committee on Postsecondary Education & Workforce was relieved of HOUSE BILL NO. 1073, and the bill was referred to the Committee on Health Care & Wellness.

On motion of Representative Fitzgibbon, the House adjourned until 10:00 a.m., January 11th, 2023, the 3rd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## THIRD DAY

House Chamber, Olympia, Wednesday, January 11, 2023

The House was called to order at 10:00 a.m. by the Speaker (Representative Orwall presiding).

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.

**MESSAGES FROM THE SENATE**

Tuesday, January 10, 2023

Mme. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8400  
SENATE CONCURRENT RESOLUTION NO. 8401

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Tuesday, January 10, 2023

Mme. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400  
HOUSE CONCURRENT RESOLUTION NO. 4401

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**INTRODUCTION & FIRST READING**

HB 1222 by Representatives Orwall, Simmons, Reeves, Reed, Leavitt, Kloba, Farivar, Doglio, Morgan, Slatter, Ramel, Goodman, Callan, Fosse, Pollet, Lekanoff and Macri

AN ACT Relating to requiring coverage for hearing instruments; amending RCW 48.43.715; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1223 by Representatives McEntire, Dye and Eslick

AN ACT Relating to clarifying that the statutory statewide emissions limits are not to be used for evaluation and government decision making with respect to individual projects or government decisions except where such use is explicitly statutorily authorized; reenacting and amending RCW 70A.45.020; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1224 by Representatives McEntire, Graham, Dye and Eslick

AN ACT Relating to expediting environmental permitting for job-creating investment in Washington; adding a new section to chapter 43.21C RCW; adding a new section to chapter 90.58 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1225 by Representatives Chapman, Tharinger and Lekanoff

AN ACT Relating to permitting for certain department of fish and wildlife hatchery maintenance activities; amending RCW 90.58.355; adding a new section to chapter 90.58 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1226 by Representatives Chapman and Fitzgibbon

AN ACT Relating to providing for recreational licensing of smelt, crawfish, and carp; amending RCW 77.32.010; and creating a new section.

Referred to Committee on Agriculture and Natural Resources.

HB 1227 by Representatives Reeves, Morgan, Ramel and Fosse

AN ACT Relating to assessing employers for their employees' health care costs paid by the state; reenacting and amending RCW 74.09.053; adding a new section to chapter 49.60 RCW; adding a new chapter to Title 74 RCW; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 1228 by Representatives Ortiz-Self, Ybarra, Thai, Simmons, Reeves, Reed, Orwall, Ormsby, Taylor, Leavitt, Kloba, Doglio, Berry, Fey, Davis, Ramel, Callan, Bergquist, Fosse, Pollet, Lekanoff, Slatter, Macri, Alvarado, Stonier, Gregerson and Santos

AN ACT Relating to building a multilingual, multiliterate Washington through dual and tribal language education; amending RCW 28A.300.575 and 28A.180.080; reenacting and amending RCW 28A.180.030; adding new sections to chapter 28A.300 RCW; creating new sections; repealing RCW 28A.300.574; and providing expiration dates.

Referred to Committee on Education.

HB 1229 by Representatives Simmons, Gregerson, Macri, Hackney, Goodman, Ryu, Senn, Mena, Fey, Peterson, Ramel, Street, Alvarado, Thai, Reeves, Reed, Ortiz-Self, Ormsby, Duerr, Doglio, Berry, Bateman, Morgan, Callan, Bergquist, Fosse, Pollet, Lekanoff, Slatter, Stonier and Santos

AN ACT Relating to updating processes related to voter registration; amending RCW 29A.08.010, 29A.08.030, 29A.08.110, 29A.08.125, 29A.08.210, 29A.08.220, 29A.08.260, 29A.08.270, 29A.08.330, 29A.08.340, 29A.08.350, 29A.08.355, 29A.08.357, 29A.08.359, 29A.08.362, 29A.08.365, 29A.08.370, 29A.08.615, 46.20.153, 46.20.155, 46.20.156, 46.20.205, 29A.08.625, 29A.08.630, 29A.08.635, 29A.08.710, 29A.08.810, 29A.08.820, 29A.08.835, 29A.08.840, 29A.04.611, 29A.84.110, 29A.04.058, and 29A.08.115; reenacting and

amending RCW 29A.08.320; adding a new section to chapter 29A.08 RCW; repealing RCW 29A.08.375; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1230 by Representatives Callan, Harris, Thai, Reeves, Senn, Ortiz-Self, Ormsby, Kloba, Duerr, Doglio, Berry, Riccelli, Morgan, Davis, Ramel, Bergquist, Pollet, Tharinger, Peterson, Stonier and Santos

AN ACT Relating to requiring school districts and other public education entities to make information from the department of health about substance use trends, overdose symptoms and response, and the secure storage of prescription drugs, over-the-counter medications, and firearms and ammunition, available through their websites and other communication resources; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 70.54 RCW; and creating a new section.

Referred to Committee on Education.

HB 1231 by Representatives Berg, Chapman, Wylie, Waters, Reed, Volz, Peterson, Taylor, Leavitt, Doglio, Riccelli, Paul, Fey, McEntire, Ramel, Tharinger, Lekanoff, Slatter, Barkis and Stonier

AN ACT Relating to accelerating rural job growth and promoting economic recovery across Washington through site readiness grants; amending RCW 43.160.060; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1232 by Representatives Bergquist, Chambers, Entenman, Slatter, Paul, Ramos, Mena, Street, Riccelli, Pollet, Callan, Hackney, Thai, Reeves, Reed, Ortiz-Self, Kloba, Duerr, Doglio, Morgan, Ramel, Goodman, Tharinger, Lekanoff, Gregerson and Santos

AN ACT Relating to enhancing the college bound scholarship program by increasing opportunities for students to attend community and technical colleges; amending RCW 28B.118.010 and 28B.118.090; and creating a new section.

Referred to Committee on Postsecondary Education & Workforce.

HB 1233 by Representatives Jacobsen, Volz, McEntire, Walsh and Graham

AN ACT Relating to the housing of inmates in state correctional facilities; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1234 by Representatives Goodman, Eslick, Peterson, Leavitt, Fitzgibbon, Bateman, Walen, Stearns and Pollet

AN ACT Relating to the civil forfeiture of animals seized for abuse or neglect; amending RCW 16.52.085; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1235 by Representatives Chapman, Kretz, Tharinger and Lekanoff

AN ACT Relating to modifying miscellaneous provisions impacting department of fish and wildlife licensing

requirements; amending RCW 77.08.010, 77.08.075, 77.32.155, 77.32.470, 77.32.480, 77.32.520, and 79A.80.040; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Agriculture and Natural Resources.

HB 1236 by Representatives Hackney, Abbarno, Senn, Reed, Doglio, Ramel and Lekanoff

AN ACT Relating to enhancing access to clean fuel for agencies providing public transportation; and adding a new section to chapter 36.57A RCW.

Referred to Committee on Environment & Energy.

HB 1237 by Representatives Robertson and Fey

AN ACT Relating to distribution of the vehicle identification number inspection fee; amending RCW 46.17.130 and 46.68.410; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1238 by Representatives Riccelli, Harris, Alvarado, Thai, Simmons, Senn, Rude, Reeves, Reed, Walen, Peterson, Ortiz-Self, Ormsby, Taylor, Leavitt, Fitzgibbon, Duerr, Doglio, Berry, Bateman, Morgan, Fey, Ramel, Goodman, Fosse, Pollet, Lekanoff, Macri, Chopp, Stonier, Gregerson and Santos

AN ACT Relating to providing free school meals for all; amending RCW 28A.150.200, 28A.235.250, 28A.235.270, 28A.235.285, 28A.600.290, 28A.150.260, 28A.150.260, and 28A.405.415; reenacting and amending RCW 28A.235.160 and 28A.600.310; adding new sections to chapter 28A.235 RCW; creating a new section; repealing RCW 28A.235.140 and 28A.235.260; providing an effective date; and providing expiration dates.

Referred to Committee on Education.

HB 1239 by Representatives Santos, Kloba, Morgan, Ramel and Pollet

AN ACT Relating to establishing a simple and uniform system for complaints related to, and instituting a code of educator ethics for, conduct within or involving public elementary and secondary schools; amending RCW 9A.16.100; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 43.06B RCW; adding a new section to chapter 28A.400 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Education.

HB 1240 by Representatives Peterson, Senn, Alvarado, Walen, Street, Springer, Simmons, Reeves, Reed, Ormsby, Kloba, Fitzgibbon, Duerr, Doglio, Berry, Bateman, Fey, Davis, Ramel, Bergquist, Fosse, Pollet, Lekanoff, Macri, Gregerson and Santos

AN ACT Relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of assault weapons, and by providing limited exemptions applicable to licensed firearm manufacturers and dealers for purposes of sale to armed forces branches and law enforcement agencies and for purposes of sale or transfer outside the state, and to inheritors; reenacting and amending RCW 9.41.010; adding new sections to chapter 9.41 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.



HB 1241 by Representatives Leavitt, Reeves, Reed, Morgan and Bronoske

AN ACT Relating to harassment; amending RCW 9A.46.020, 9A.90.120, and 40.24.030; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1242 by Representatives Dent, Davis, Ortiz-Self, Doglio, Eslick and Lekanoff

AN ACT Relating to creating a behavioral health work group to study the root causes of rising behavioral health issues in Washington communities; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1243 by Representatives Dent, Riccelli, Christian and Eslick

AN ACT Relating to municipal airport commissions; and amending RCW 14.08.120.

Referred to Committee on Local Government.

HB 1244 by Representatives Ramel, Bergquist, Peterson, Ortiz-Self, Stonier, Lekanoff, Slatter, Hackney, Entenman, Simmons, Senn, Reeves, Reed, Duerr, Doglio, Pollet, Alvarado and Gregerson

AN ACT Relating to increasing the maximum per pupil limit for enrichment levy authority; amending RCW 84.52.0531; and providing an effective date.

Referred to Committee on Appropriations.

HJR 4201 by Representatives Gregerson, Farivar, Senn, Reeves, Walen, Peterson, Ortiz-Self, Ormsby, Kloba, Berry, Bateman, Riccelli, Fitzgibbon, Lekanoff, Chapman, Slatter, Reed, Alvarado, Pollet, Taylor, Springer, Morgan, Fey, Street, Ramel, Goodman, Bergquist, Bronoske, Fosse, Tharinger, Macri, Chopp, Stonier, Santos and Simmons

Amending the Constitution to address reproductive freedom.

Referred to Committee on Health Care & Wellness.

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

The Speaker assumed the chair.

#### **SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

SENATE CONCURRENT RESOLUTION NO. 8400  
SENATE CONCURRENT RESOLUTION NO. 8401

The Speaker called upon Representative Orwall to preside.

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Orwall presiding) acknowledged Representative Dent's birthday and asked the Chamber to wish him a happy birthday.

#### **JOINT SESSION**

The Sergeant at Arms, Mr. Andy Staubitz, announced the presence of the House of Representatives at the Chamber door.

The President called upon the Sergeant at Arms of the Senate and the Sergeant at Arms of the House to escort Speaker of the House, Laurie Jinkins, Speaker Pro Tempore Tina Orwall, Majority Caucus Chair Lillian Ortiz-Self, and Minority Caucus Vice Chair Kelly Chambers to the rostrum and members of the House of Representatives to seats within the Chamber.

Pursuant to Senate Concurrent Resolution No. 8400, the President called the Joint Session to order. The Secretary called the roll of the members of the House of Representatives. The Secretary called the roll of the members of the Senate. The President declared that a quorum of the Legislature was present.

#### **APPOINTMENT OF SPECIAL COMMITTEE**

The President of the Senate appointed a special committee consisting of Senators Hasegawa and Boehnke and Representatives Donaghy and Schmidt to escort the Justices of the Supreme Court to the Chamber.

#### **APPOINTMENT OF SPECIAL COMMITTEE**

The President of the Senate appointed a special committee consisting of Senators Randall and Torres and Representatives Rule and Waters to escort the statewide elected officials to the Chamber.

#### **APPOINTMENT OF SPECIAL COMMITTEE**

The President of the Senate appointed a special committee consisting of Senators Dhingra and Padden and Representatives Taylor and Sandlin to escort the Chief Justice, Steven González, to the Chamber.

Sergeant at Arms Andy Staubitz announced the arrival of the Justices of the Supreme Court. The special committee escorted the Justices to seats at the front of the Chamber and they were introduced: Associate Chief Justice Charles Johnson, Justice Barbara Madsen, Justice Susan Owens, Justice Debra Stephens, Justice Sheryl Gordon McCloud, Justice Mary Yu, and Justice Raquel Montoya-Lewis.

Sergeant at Arms Andy Staubitz announced the arrival of the statewide elected officials. The special committee escorted the statewide elected officials to seats at the front of the Chamber and were introduced: Secretary of State Steve Hobbs, Insurance Commissioner Mike Kreidler, State Treasurer Mike Pellicciotti and Commissioner of Public Lands Hilary Franz.

Sergeant at Arms Andy Staubitz announced the arrival of the Honorable Steven González, Chief Justice of the State Supreme Court. The special committee escorted Chief Justice González to the rostrum and was introduced.

The Sergeant at Arms Color Guard consisting of Pages Miss Lucy Clinton and Miss Jessie Dahl, presented the Colors.

The President led the Chamber in the Pledge of Allegiance.

The National Anthem was performed by José Iñiguez of Encanto Arts in Mattawa. Mr. Iñiguez was a guest of Senator Torres.

The prayer was offered by Reverend Amy Johnson, Minister for Sexuality Education & Justice, United Church of Christ National Ministries Church. Federal Way.

The President welcomed and introduced Chief Justice González.

#### **STATE OF THE JUDICIARY**

Chief Justice Steven González: "Thank you for the introduction. Thank you to all the members of the Legislature gathered here from both houses. Thank you, President Heck,

Speaker Jinkins, our statewide electeds; Hilary Franz, Mike Pellicciotti, Steve Hobbs. I wanted to also thank our former Chief Justice Gerry Alexander who has joined us and is in the upper gallery. Thank you, sir, for your service. I also want to pause for a moment and thank my wife Michelle, who is here and has been a source of support and what has been what allows me to do this work. Michelle, thank you I love you. Outside of my prepared remarks, we have two sons both college students so the house is much quieter, and I was told that my speech should be bipartisan, and I said, ‘Well no, it’s actually nonpartisan.’ But since they are both at a school here in the state, I’ve worn a necktie that shows my support. I apologize for those who support.

Having two children in college at once I think maybe there is a way that the Treasurer can help me, that our check goes straight to the University of Washington so it’s less painful somehow. Thank you again for being here for the first in-person State of the Judiciary since 2019 when Justice Fairhurst gave those remarks. We miss her very much.

The pandemic has been a challenge for all of us. It challenged the judicial branch to provide equitable access to justice throughout the entire crisis. People in courthouses around the state rose to that challenge, and I thank them from the bottom of my heart. Actually, as I think about it wasn’t from courthouses, sometimes it was from garages and living rooms dressed well at least from the waist up.

The pandemic made clearer than ever the inequities within our justice system. But by making those issues more visible, the pandemic also made them more addressable. Courts and judicial branch partners across the state worked tirelessly at no small risk to themselves, to deliver access to justice to the people of Washington. We have identified and confronted many of the barriers to fair and open system. We need to continue that work, and to do that, we need the legislature’s continued partnership.

Time will not permit me to catalog all the good work that has happened in the last years since we were here. But I want to highlight a few things. The Washington Indian Child Welfare Act passed by this legislature recognizes the painful and unjust history of indigenous children being taken from their families and from their communities. The Act imposes a heightened standard in cases where the state seeks to remove Indian children. Recently, we have expanded court calendars to make sure these cases are heard and decided promptly.

In addition, the pandemic left thousands without jobs, and many have faced eviction as a result of that and health issues. You passed legislation to provide counsel in eviction cases that we have helped to implement. Thank you for doing that work. In addition, the Dispute Resolution Centers and other community partners continue to help resolve through mediation, disputes between landlords and tenants, this lightens our court calendars and helps many people who will remain safe and housed.

I want to recognize some of those who have done the work: Clallam County’s Superior Court Commissioner Brandon Mack who established specialized family court calendars focused on native families and families with infants or toddlers. Pierce County’s Superior Court Commissioner Clint Johnson who worked with local attorneys to craft a highly successful eviction-prevention program with Right to Counsel. The Clark County Volunteer Lawyers Program. They expanded the scope of their work to yet more vulnerable people during the COVID pandemic.

I also want to recognize members of the organization Civil Survival together with Kitsap, Pierce, and Thurston County courts they relieve the burden of unpayable court fines and fees for thousands of people. It was gratifying to see prosecutors and defenders working side-by-side with clerks to accomplish this work, together.

We have adopted new technologies during the pandemic and found ways to keep court doors open, sometimes just virtually. Remote access has made our courts available to more people in the same way that the legislature has become more available for remote public participation. I think it is all to the good. Remote access has relieved the burden of travel from those unable to afford childcare or to take time off from work. It has allowed disabled people better, more inclusive access to justice. We’ve expanded electronic filings and the use of electronic signatures; we launched remote and hybrid trials; we gave remote hearing technology to litigants who didn’t have it, giving them both the option and the

means to appear remotely. Some of these pandemic necessities have been so effective we will adopt rules to make them permanent.

But our work is not done. Deep disparities remain. The Board for Judicial Administration’s Reimagining Our Courts Task Force expanded its work in response to the tragic and avoidable killing of George Floyd in May 2020. Racial justice must be central in how we think about improving access to justice.

For example, powerful research from the Minority and Justice Commission’s Race and Justice Task Force shows what too many already know from lived experience: Court fines and fees criminalize poverty. They have a disparate, inequitable effect on communities of color without improving public safety, and they have for decades.

Our Gender and Justice Commission looked at gender, race, and poverty to show how bias infiltrates courtrooms. It found evidence of many gender-based inequities in the justice system, inequities that intensify when layered with race. Black women, Indigenous women, women of color, transgender women, and gender nonconforming folks all face increased gender bias in our justice system. This hard data reinforces what many already know from lived experience. But these reports give us tangible, actionable data we can point to as we push for change.

Our Interpreter Commission has made great improvements in language access beyond just licensing and regulating interpreters. We are grateful to the legislature for its recent investment in interpreter reimbursements. Thank you.

Therapeutic courts are an increasingly important part of our work. I was pleased to hear the Governor yesterday speak about improving mental health diversion and treatment programs. I also want to thank the Legislature for funding new programs in district and municipal courts. Generally, though, success for all of us is keeping people with mental illness, people without housing, people with drug dependency, and families and children out of court all together. We must do our best to keep kids in school and away from courts. Courts are neither the best nor most efficient place to remedy all of society’s ills, yet we must be there when issues can’t otherwise be resolved. We must have culturally competent courts, able to direct appropriate services. This is essential to protect both those who come to court and the public at large.

There are things we can do. Therapeutic courts decrease recidivism, improve community safety, and help people make life-altering, positive changes. We know this is true. For example, eighty-one percent of King County Drug Court participants — not just graduates — have no new felonies thirty-six months after treatment.

On racial justice, we still have work to do. In June 2020, following the George Floyd uprisings and under the leadership of then Chief Justice Stephens, we issued an open letter drafted initially by Justice Yu that recognized the justice system’s role in perpetuating systemic racism. Judicial branch leaders, from every level of court, rose to the challenge of addressing systemic racism. Many of these leaders are here today, as are members of the Racial Justice Consortium that has moved this work forward.

That Consortium brought together judicial branch partners to develop a plan to address systemic racism in the courts. That group included judges from every court level as well as court clerks, court administrators, attorneys, and community members who have lived the trauma of a racialized justice system, and so have an essential perspective on how to change it.

In addition, we became the first court in the nation to adopt a statewide rule targeting both implicit and explicit racial bias in jury selection. This rule, General Rule 37, strengthens the prohibition against the use of race based peremptory challenges in jury selection, making our juries more diverse and representative of Washington’s diverse communities. The rule also bars both intentional race discrimination and “implicit” race discrimination or bias in jury selection. Our rule has become a national model for change.

The pandemic forced us to engage with each other in new ways. In 2021, our annual Judicial Summit included not just judges and court partners but also leaders from the Legislative and Executive branches. Out of the pandemic, we have forged stronger bonds, and those bonds are necessary to address what lies ahead.

Our state is growing fast. This presents challenges and opportunities for Washington courts. We hope, with your

continued support, Washington's courts can continue to address the complex demands of justice. We appreciate the investments of the Legislature in our branch.

Court funding has always been a challenge in Washington. In territorial times, traveling judges were paid from the fines and fees they themselves collected from litigants. While that is no longer the case, all too much of the funding for our judicial branch IT system still comes from district and municipal court fines and fees. Court fines and fees are disparately imposed on the poorest and most marginalized communities. This needs to change.

Our courts face many challenges. Court security is an increasing concern. People come to court because they are commanded to or because they are there asking for justice and protection of their individual rights. Our democracy depends on people having a safe and fair place to adjudicate their disputes. Courthouses must be safe. As recent events demonstrate, not all of them are.

We have traveled far along the road to justice, but we still have far to go. We need your help to continue our progress.

Thank you to the Legislature for hosting us here today, thank you to the Administrative Office of the Courts, to my colleagues on the Supreme Court, the judges of the Court of Appeals, Superior Courts, and District and Municipal Courts for their work. We have accomplished much, and I look forward to working with all of you to fulfill the promise of equal justice under the law.

Earlier this week, Justice Montoya-Lewis was able to swear in newly-elected members across the way, and I was here swearing in new members of the Senate.

It is the most diverse group we have ever seen. Our Court is now more diverse than it has ever been.

But studies that we have done on group decision making, including deliberations by juries, how that diverse groups make better decisions than homogenous groups do. On every objective measure, except for one.

It takes more time. I expect you might find that too.

But I also expect you might find yourself making good decisions and strong legislation that we'll get to review in due course.

I want to thank you all again for inviting us here, and I hope you can join us if you can for a reception downstairs in the Columbia Room starting immediately after we leave here."

The President thanked Chief Justice González for his remarks.

The President called upon the special committee to escort Chief Justice González from the rostrum and the Chief Justice retired from the Chamber.

The President called upon the special committee to escort the statewide elected officials from the Chamber.

The President called upon the special committee to escort the Justices of the Supreme Court from the Chamber.

### **MOTION**

On the motion of Senator Pedersen, the Joint Session was dissolved.

The Sergeant at Arms of the Senate and the Sergeant at Arms of the House escorted Speaker of the House, Laurie Jinkins, Speaker Pro Tempore Tina Orwall, Majority Caucus Chair Lillian Ortiz-Self, and Minority Caucus Vice Chair Kelly Chambers and members of the House of Representatives from the Senate Chamber.

With the consent of the House, SENATE CONCURRENT RESOLUTION NO. 8400 and SENATE CONCURRENT RESOLUTION NO. 8401 were immediately transmitted to the Senate.

There being no objection, the House adjourned until 10:30 a.m., Thursday, January 12, 2023, the 4th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FOURTH DAY

House Chamber, Olympia, Thursday, January 12, 2023

The House was called to order at 10:30 a.m. by the Speaker. 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 Reid Shepard and Liam Ürie. The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Sean Hollen, Harbor Calvery Chapel, Aberdeen.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4602**, by Representatives Jinkins, Wilcox, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, and Ybarra

WHEREAS, The Washington House of Representatives, on behalf of the people of the state of Washington, recognize and honor the life and accomplishments of Jamie MacKinnon Walsh, wife of Representative Jim Walsh, mother, architect, and dynamic community member; and

WHEREAS, Jamie was born on March 5, 1964, the daughter of Thomas (deceased) and Jeannine MacKinnon; and

WHEREAS, Jamie graduated from Smith College with a Bachelors of Arts in Economics in 1986, later earning her Master of Arts in Architecture from University of California Los Angeles in 1998; and

WHEREAS, Jamie, at 18 years of age, met her future husband, Jim, when she asked him to dance at a college party, a question the clever young man promptly said yes to; and

WHEREAS, Jamie and Jim married in 1989, traveled extensively, lived for a few years in her native California, and eventually settled in Grays Harbor to raise their family in the great state of Washington; and

WHEREAS, Jamie, embracing the need to preserve the past, along with Jim, purchased a historical home in Aberdeen built in the 1890s, determined to restore the home and return it to its former glory days; and

WHEREAS, Along with being committed to her family and home, Jamie served her community, volunteering countless hours as a catechist at St. Mary Catholic Church; and

WHEREAS, As a former Aberdeen Public School board member, Jamie worked tirelessly to improve student achievements in the Aberdeen Public Schools; and

WHEREAS, Jamie, through various activities, sought to preserve and protect the coastal Washington way of life; and

WHEREAS, Jamie, a talented architect, left her mark on communities of Washington state by designing and renovating several buildings, businesses, and homes; and

WHEREAS, Jamie's most significant contributions to future generations reside not only in her volunteer activities, service to

her community, and professional achievements, but in the five children she loved, raised, and nurtured; and

WHEREAS, Jamie, at 58 years of age, was taken from this life far too early, tragically killed in a head-on collision on Monday, October 24, 2022; and

WHEREAS, Jamie leaves behind her husband, Jim, and five children — MacKinnon, James M., Lillian, Margaret, and Patrick, who all adored her; and

WHEREAS, Jamie lived the kind of life most people only dream of, filled with family, pursuit, and purpose, without regrets;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of the state of Washington, recognize and honor the life, family, and work of Jamie MacKinnon Walsh; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Jamie's husband, Representative Jim Walsh, and his family.

Representative McEntire moved adoption of HOUSE RESOLUTION NO. 4602.

Representatives McEntire, Hansen, Corry and Stonier spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4602 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker offered condolences to Representative Walsh and his family. The Speaker introduced his children who were in the wings and asked the body to acknowledge them

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

## INTRODUCTION &amp; FIRST READING

HB 1245 by Representatives Barkis, Robertson, Wylie, Fitzgibbon, Peterson, Walsh, Chambers, Kloba, Gregerson, Graham, Waters, Reed, Walen, Christian, Riccelli, Macri, Bateman and Doglio

AN ACT Relating to increasing housing options through lot splitting; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Housing.

HB 1246 by Representatives Ortiz-Self, Berry, Reeves, Bronoske, Reed, Bergquist, Macri, Fosse, Santos and Pollet

AN ACT Relating to eligibility for health benefits from the school employees' benefits board for school employees; amending RCW 41.05.740 and 28A.400.275; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1247 by Representatives Reed, Harris, Mena, Berry, Simmons, Morgan, Slatter, Ryu, Goodman, Donaghy, Reeves, Sandlin, Stearns and Fosse

AN ACT Relating to licensure for music therapists; amending RCW 18.120.020, 18.130.040, and 18.130.040; adding a new

chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1248 by Representatives Stonier, Harris, Senn, Simmons, Ryu, Reeves, Bergquist, Eslick, Pollet and Reed

AN ACT Relating to pupil transportation; amending RCW 28A.160.170, 28A.160.180, 28A.160.193, and 28A.160.140; adding new sections to chapter 28A.160 RCW; adding a new section to chapter 28A.320 RCW; repealing RCW 28A.160.192; and providing effective dates.

Referred to Committee on Education.

HB 1249 by Representatives Corry and Reeves

AN ACT Relating to limits on the sale and possession of retail cannabis products; and amending RCW 69.50.360 and 69.50.4013.

Referred to Committee on Regulated Substances & Gaming.

HB 1250 by Representatives Steele and Eslick

AN ACT Relating to modifying the low-income home rehabilitation program; amending RCW 43.330.480, 43.330.482, and 43.330.488; adding new sections to chapter 43.330 RCW; repealing RCW 43.330.482 and 43.330.486; providing an effective date; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1251 by Representatives Stonier, Bateman, Reed, Riccelli and Pollet

AN ACT Relating to water systems' notice to customers of public health considerations; adding a new section to chapter 70A.125 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1252 by Representatives Bateman, Hutchins, Barkis, Fitzgibbon, Robertson, Tharinger, Reed, Christian, Schmidt and Pollet

AN ACT Relating to impact fee deferrals; and amending RCW 82.02.050.

Referred to Committee on Housing.

HB 1253 by Representatives Stonier, Schmick, Kretz, Macri and Pollet

AN ACT Relating to pharmacy benefit managers; amending RCW 48.200.020, 48.200.210, and 48.200.280; adding a new chapter to Title 48 RCW; recodifying RCW 48.200.210, 48.200.220, 48.200.230, 48.200.240, 48.200.250, 48.200.260, 48.200.270, 48.200.280, and 48.200.290; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1254 by Representatives Street, Reed and Ramel

AN ACT Relating to clarifying ambiguities in statutory provisions administered by the department of revenue relating to periodic adjustments; and amending RCW 53.08.090, 82.12.0203, and 82.21.030.

Referred to Committee on Finance.

HB 1255 by Representatives Simmons, Harris, Peterson, Reed, Riccelli, Macri, Bateman and Doglio

AN ACT Relating to reducing stigma and incentivizing health care professionals licensed by the Washington state nursing care quality assurance commission to participate in a substance use disorder monitoring and treatment program; and adding a new section to chapter 18.79 RCW.

Referred to Committee on Health Care & Wellness.

HB 1256 by Representatives Steele, Simmons, Eslick and Santos

AN ACT Relating to capital budget matching grants to independent higher education institutions; and adding a new section to chapter 28B.07 RCW.

Referred to Committee on Capital Budget.

HB 1257 by Representatives Hackney, Abbarno and Reed

AN ACT Relating to the authority of cargo and passenger ports; adding a new section to chapter 53.08 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1258 by Representatives Ryu, Volz, Steele, Walen, Reeves, Waters, Chambers, Reed, Christian, Cortes, Callan, Schmidt, Barkis and Fosse

AN ACT Relating to increasing tourism to Washington state through enhancement of the statewide tourism marketing account and changing necessary match requirements; and amending RCW 43.384.040 and 82.08.225.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1259 by Representatives Abbarno, Stearns and Reeves

AN ACT Relating to updating the executive team of the office of the secretary of state by adding signing authority to the chief of staff position; amending RCW 43.07.020; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1260 by Representatives Alvarado, Leavitt, Taylor, Senn, Farivar, Simmons, Davis, Fitzgibbon, Callan, Reeves, Reed, Fey, Gregerson, Cortes, Macri, Fosse, Doglio and Pollet

AN ACT Relating to accelerating stability for people with a work-limiting disability or incapacity; and amending RCW 74.04.655, 74.04.805, 74.62.005, and 74.62.030.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1261 by Representatives Walen, Ryu, Reeves, Reed, Simmons, Davis, Ormsby, Fosse, Doglio, Santos and Pollet

AN ACT Relating to cost sharing for diagnostic and supplemental breast examinations; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1262 by Representatives Walen, Reed and Davis

AN ACT Relating to establishing a lump sum reporting system; amending RCW 26.23.020, 26.23.060, and 26.23.070; adding a new section to chapter 26.23 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1263 by Representatives Simmons, Stonier, Macri and Pollet

AN ACT Relating to material changes to the operations and governance structure of participants in the health care marketplace; amending RCW 19.390.010, 19.390.020, 19.390.030, 19.390.040, 19.390.050, 19.390.080, and 19.390.070; adding new sections to chapter 19.390 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1264 by Representatives Walen and Reed

AN ACT Relating to encouraging equitable treatment for different categories of solid waste utility customer under local solid waste collection rates; adding a new section to chapter 36.58 RCW; 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 81.77 RCW.

Referred to Committee on Environment & Energy.

HB 1265 by Representatives Ramos, Goehner, Chapman, Robertson, Kloba, Chambers, Slatter, Callan, Donaghy, Ryu, Reeves, Chopp, Senn, Reed, Couture, Simmons, Fey, Jacobsen, Macri, Peterson, Ramel and Pollet

AN ACT Relating to establishing a property tax exemption for adult family homes that serve people with intellectual or developmental disabilities and are owned by a nonprofit; amending RCW 84.36.042 and 84.36.805; reenacting and amending RCW 84.36.805; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 1266 by Representatives Santos, Corry and Reeves

AN ACT Relating to the use of email by the office of the insurance commissioner when communicating with licensees; amending RCW 48.17.170, 48.17.450, 48.17.475, and 48.15.103; adding a new section to chapter 48.02 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Consumer Protection & Business.

HB 1267 by Representatives Tharinger, Steele and Ramel

AN ACT Relating to rural public facilities sales and use tax; and amending RCW 82.14.370.

Referred to Committee on Local Government.

HB 1268 by Representatives Goodman, Simmons, Walen and Eslick

AN ACT Relating to sentencing enhancements; amending RCW 9.94A.030, 9.94A.599, 9.94A.729, 10.01.210, and 72.01.410; reenacting and amending RCW 9.94A.533; and repealing RCW 9.94A.833 and 69.50.435.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1269 by Representatives Riccelli, Stonier and Macri

AN ACT Relating to amending the prescription drug affordability board; and amending RCW 70.405.010, 70.405.020, 70.405.030, 70.405.040, 70.405.050, 70.405.060, 70.405.070, and 70.405.090.

Referred to Committee on Health Care & Wellness.

HB 1270 by Representatives Dye, Walen, McEntire, Stearns, Graham, Reed and Schmidt

AN ACT Relating to establishing the Washington state commission on boys and men; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1271 by Representatives Low, Eslick, Bronoske, Hackney, Goehner, Hutchins, Berry, Reed, Christian and Schmidt

AN ACT Relating to organ transport vehicles; amending RCW 68.64.010, 46.37.190, 46.37.380, 46.37.670, 46.61.210, 46.61.165, 47.52.025, 18.73.140, 18.73.081, and 18.73.030; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 18.73 RCW.

Referred to Committee on Transportation.

HB 1272 by Representatives Bergquist, Volz, Reeves, Gregerson, Christian, Riccelli and Schmidt

AN ACT Relating to publishing, formatting, and distribution of the state and local voters' pamphlets; amending RCW 29A.32.010, 29A.32.020, 29A.32.031, 29A.32.060, 29A.32.070, 29A.32.090, 29A.32.110, 29A.32.121, 29A.32.210, 29A.32.220, 29A.32.230, 29A.32.241, 29A.32.250, 29A.32.260, and 29A.32.280; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1273 by Representatives Berg, Reed and Pollet

AN ACT Relating to high school and beyond planning; amending RCW 28A.230.090, 28A.230.215, 28A.230.091, 28A.230.310, 28A.230.320, 28A.300.900, and 28A.655.250; adding a new section to chapter 28A.230 RCW; and repealing RCW 28A.655.270.

Referred to Committee on Education.

HB 1274 by Representatives Couture, Lekanoff, Eslick, Waters, Walsh, Griffey, Low, Hutchins, Dent, Taylor, Barnard, Connors, Rude, Sandlin, Slatter, Stonier, Harris, Reeves, Abbarno, Robertson, Senn, Davis, Gregerson, Christian, Schmidt, Orwall, Ramel and Pollet

AN ACT Relating to creating a child malnutrition field guide for the department of children, youth, and families; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1275 by Representatives Thai, Harris and Riccelli

AN ACT Relating to athletic trainers; and amending RCW 18.250.010 and 18.250.110.

Referred to Committee on Health Care & Wellness.

HB 1276 by Representatives Pollet, Cortes, Fitzgibbon, Wylie, Ryu, Tharinger, Walen, Peterson, Macri, Fosse and Senn

AN ACT Relating to accessory dwelling units; amending RCW 36.70A.696, 36.70A.697, and 36.70A.698; reenacting and amending RCW 36.70A.070; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Housing.

HB 1277 by Representatives Donaghy, Harris, Slatter, Kloba, Reeves, Reed, Ormsby and Pollet

AN ACT Relating to improving the consistency and quality of the implementation of the fundamental course of study for paraeducators; amending RCW 28A.413.060; and creating a new section.

Referred to Committee on Education.

HB 1278 by Representatives Ortiz-Self, Senn, Callan, Simmons, Davis, Reeves, Reed, Fey, Cortes and Ormsby

AN ACT Relating to supporting guardianships and voluntary placement with nonrelative kin; and amending RCW 13.36.090, 74.13.062, and 74.13.031.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1279 by Representatives Griffey, Bronoske, Leavitt, Donaghy, Street, Cortes, Ormsby, Berry, Fosse, Robertson, Volz, Simmons, Tharinger, Davis, Reeves, Graham, Reed, Riccelli, Orwall, Bateman, Doglio and Ramel

AN ACT Relating to ensuring that firefighters who accept promotional firefighter positions within a fire department remain members of the law enforcement officers' and firefighters' retirement system; and amending RCW 41.26.030.

Referred to Committee on Appropriations.

HB 1280 by Representative Wylie

AN ACT Relating to open motor vehicle safety recalls; adding a new section to chapter 46.32 RCW; adding a new section to chapter 46.16A RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 1281 by Representatives Rude, Peterson, Harris, Macri, Riccelli, Stonier, Fitzgibbon, Senn, Simmons, Tharinger, Kloba, Reeves, Reed, Walen, Gregerson, Ormsby, Bateman, Doglio, Alvarado, Ramel, Santos and Pollet

AN ACT Relating to increasing access to the provisions of the Washington death with dignity act; amending RCW 70.245.010, 70.245.020, 70.245.030, 70.245.040, 70.245.050, 70.245.060, 70.245.070, 70.245.080, 70.245.090, 70.245.100, 70.245.110, 70.245.120, 70.245.150, 70.245.180, 70.245.190, 70.245.220, and 70.41.520; and adding new sections to chapter 70.245 RCW.

Referred to Committee on Health Care & Wellness.

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 adjourned until 9:55 a.m., Friday, January 13, 2023, the 5th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTH DAY

House Chamber, Olympia, Friday, January 13, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

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 fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1282 by Representatives Duerr, Hackney, Berry, Ramel, Doglio, Reed and Pollet

AN ACT Relating to environmental and labor reporting for public building construction and renovation material; amending RCW 43.88.0301; adding a new chapter to Title 39 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 1283 by Representatives Duerr, Berry, Ramel, Macri, Doglio, Reed and Pollet

AN ACT Relating to environmental, social, and governance reporting and self-directed investment options at the Washington state investment board; reenacting and amending RCW 43.33A.190; adding a new section to chapter 43.33A RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1284 by Representatives Corry, Walen, Connors, Hutchins, Rude, Cheney and Barkis

AN ACT Relating to reforming the real estate agency law to require written brokerage services agreements, improve consumer disclosures, and provide that certain legal duties of brokers apply to all parties in the transaction; amending RCW 18.86.010, 18.86.020, 18.86.030, 18.86.040, 18.86.050, 18.86.060, 18.86.070, 18.86.080, 18.86.090, 18.86.100, and 18.86.120.

Referred to Committee on Consumer Protection & Business.

HB 1285 by Representatives Goehner and Chandler

AN ACT Relating to modifying the scope of locations to which a water right established as a family farm permit may be transferred; and amending RCW 90.66.065 and 36.70A.360.

Referred to Committee on Agriculture and Natural Resources.

HB 1286 by Representatives Berry, Bateman, Mena, Alvarado, Street, Ortiz-Self, Tharinger, Lekanoff, Ramel, Macri, Reeves, Doglio, Gregerson, Santos, Reed, Goodman, Pollet, Fosse and Ormsby

AN ACT Relating to protecting and assisting Washington employers that provide access to, or benefits for, reproductive health care services; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a

new chapter to Title 49 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Labor & Workplace Standards.

HB 1287 by Representatives Thai, Caldier, Graham, Riccelli, Macri, Reed, Pollet and Leavitt

AN ACT Relating to dental hygienists; and amending RCW 18.29.190.

Referred to Committee on Postsecondary Education & Workforce.

HB 1288 by Representatives Reeves, Ryu, Morgan and Graham

AN ACT Relating to the department of veterans affairs regarding exempt staff and exempt staff appointments, removing reference to one-time use of funds, and exempting veteran discharge papers from public disclosure; amending RCW 41.06.077, 43.60A.140, 72.36.020, and 42.56.440; adding a new section to chapter 43.60A RCW; and repealing RCW 72.36.040, 72.36.050, 72.36.055, and 72.36.077.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1289 by Representatives Reed, Ybarra, Berry, Ortiz-Self, Riccelli, Paul, Reeves, Leavitt and Timmons

AN ACT Relating to program administration for the Washington state opportunity scholarship program; and amending RCW 28B.145.010, 28B.145.020, and 28B.145.040.

Referred to Committee on Postsecondary Education & Workforce.

HB 1290 by Representatives Lekanoff, Goodman, Ortiz-Self, Ramel, Leavitt and Ormsby

AN ACT Relating to training for tribal police officers and employees; and amending RCW 43.101.230.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1291 by Representatives Fosse, Donaghy, Berry, Street, Ortiz-Self, Ramel, Riccelli, Bergquist, Bateman, Taylor, Macri, Reeves, Doglio, Gregerson, Santos, Reed, Goodman, Kloba and Pollet

AN ACT Relating to collective bargaining for employees who are enrolled in academic programs at public institutions of higher education; adding a new section to chapter 41.56 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1292 by Representatives Goodman and Senn

AN ACT Relating to modifications necessary to comply with federal regulations regarding dissemination of federal bureau of investigation criminal history record information; and amending RCW 18.88B.080, 43.43.832, 43.43.837, and 74.39A.056.



Referred to Committee on Human Services, Youth, & Early Learning.

HB 1293 by Representatives Klicker, Leavitt, Barkis, Jacobsen, Waters, Chapman, Reed and Graham

AN ACT Relating to streamlining development regulations; amending RCW 43.21C.229 and 36.70B.160; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Housing.

HB 1294 by Representatives Steele, Robertson, Ortiz-Self, Volz, Jacobsen, Riccelli, Santos and Pollet

AN ACT Relating to cost-of-living adjustments for plan 1 retirees of the teachers' retirement system and public employees' retirement system; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1295 by Representatives Ortiz-Self, Eslick, Lekanoff, Reeves and Reed

AN ACT Relating to providing legal counsel for parents before the filing of a dependency petition, including when the department of children, youth, and families proposes a voluntary placement agreement; amending RCW 2.70.020; reenacting and amending RCW 13.34.030 and 13.34.090; and providing an effective date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1296 by Representatives Peterson, Tharinger, Senn, Bateman, Lekanoff, Ramel, Reed, Pollet and Leavitt

AN ACT Relating to consolidating local permit review processes; amending RCW 36.70B.140; and adding new sections to chapter 36.70B RCW.

Referred to Committee on Local Government.

HB 1297 by Representatives Reeves, Lekanoff, Reed and Chapman

AN ACT Relating to establishing a task force of the geoduck comanagers to identify harvest opportunities to promote tribal treaty rights to geoduck and enhance state geoduck harvest opportunities; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture and Natural Resources.

HB 1298 by Representatives Hutchins, Walen, Barkis, Klicker, Cheney, Bateman, Doglio, Gregerson and Leavitt

AN ACT Relating to increasing the supply and affordability of condominium units and townhouses as an option for homeownership; amending RCW 64.35.105, 64.50.010, 64.50.020, 64.50.040, 64.50.050, 64.90.250, 64.90.605, 64.90.645, 64.90.665, 64.90.670, 64.90.675, 82.45.010, 82.45.010, 82.02.060, and 58.17.060; reenacting and amending RCW 64.38.010; adding a new section to chapter 19.27 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1299 by Representatives Chambers, Wylie, Robertson, Cheney and Reed

AN ACT Relating to workforce development in the beverage alcohol industry; and amending RCW 66.44.318.

Referred to Committee on Regulated Substances & Gaming.

HB 1300 by Representatives Orwall, Mosbrucker, Graham, Jacobsen, Lekanoff, Macri and Reed

AN ACT Relating to fraud in assisted reproduction; amending RCW 9A.36.031 and 18.130.180; creating new sections; prescribing penalties; and providing an expiration date.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1301 by Representatives McClintock and Cheney

AN ACT Relating to creating a review process for professional licensing regulations and requiring a report to the legislature; and adding a new chapter to Title 18 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1302 by Representatives Timmons, Hutchins, Barkis, Orcutt and Ramel

AN ACT Relating to the vehicle report of sale; and amending RCW 46.12.650.

Referred to Committee on Transportation.

HB 1303 by Representatives Street, Ramel and Reed

AN ACT Relating to the administration of property taxes; amending RCW 82.03.140, 84.40.370, 84.52.010, 84.52.010, 84.52.043, 84.52.043, 84.52.085, 84.55.015, and 84.55.020; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 1304 by Representatives Hackney and Walen

AN ACT Relating to electric security alarm systems; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1305 by Representatives Pollet, Stonier, Ortiz-Self, Alvarado, Orwall, Leavitt, Senn, Bergquist, Bateman, Taylor, Reeves, Davis, Doglio, Santos, Reed, Kloba and Fosse

AN ACT Relating to improving access to and provision of a free appropriate public education for students with disabilities; amending RCW 28A.225.330, 28A.155.010, 28A.155.020, 28A.155.040, 28A.155.050, 28A.155.060, 28A.155.090, 28A.155.100, and 28A.155.140; adding new sections to chapter 28A.155 RCW; and providing an expiration date.

Referred to Committee on Education.

HB 1306 by Representatives Tharinger, Steele, Reed, Pollet and Leavitt

AN ACT Relating to equity and efficiencies in public works procurement including modifying small works roster requirements; amending RCW 39.04.010, 39.19.030, 39.10.200, 39.10.210, 39.10.220, 39.10.230, 39.10.240, 39.10.330, 39.10.360, 39.10.380, 39.10.385, 39.10.908, 28A.335.190, 28B.10.350, 28B.50.330, 35.22.620, 35.23.352, 35.61.135, 35.82.076, 36.32.235, 36.32.250, 36.77.075, 39.04.200, 39.04.380, 39.12.040, 52.14.110, 53.08.120,

54.04.070, 57.08.050, 70.44.140, 87.03.436, and 43.131.408; adding new sections to chapter 39.04 RCW; creating a new section; repealing RCW 39.04.155 and 39.04.156; providing effective dates; and declaring an emergency.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1307 by Representatives Fosse, Berry, Ortiz-Self, Bergquist, Lekanoff, Taylor, Ramel, Macri, Doglio, Gregerson, Reed, Pollet, Ormsby and Santos

AN ACT Relating to collective bargaining for resident and fellow physicians employed by certain institutions of higher education; amending RCW 41.56.513; adding new sections to chapter 41.56 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1308 by Representatives Stonier, Dye, Ortiz-Self, Tharinger, Riccelli, Reed and Pollet

AN ACT Relating to high school graduation pathway options; amending RCW 28A.655.250 and 28A.655.260; and creating a new section.

Referred to Committee on Education.

HB 1309 by Representatives Fosse, Cheney, Berry, Lekanoff, Waters, Ramel, Senn, Reed, Kloba and Hutchins

AN ACT Relating to adding references to contractor registration and licensing laws in workers' compensation, public works, and prevailing wage statutes; and amending RCW 39.04.350, 39.06.020, 39.12.050, 39.12.055, 39.12.065, 39.12.100, 51.08.070, 51.08.180, 51.08.181, 51.12.070, 51.12.120, 51.16.070, and 51.48.022.

Referred to Committee on Labor & Workplace Standards.

HB 1310 by Representatives Riccelli, Simmons, Thai, Morgan, Bateman, Macri, Reed, Stonier, Leavitt and Ormsby

AN ACT Relating to physician assistant collaborative practice; amending RCW 18.71A.020, 18.71A.025, 18.71A.030, 18.71A.050, 18.71A.090, 18.71A.120, 18.71A.130, 18.71A.150, 10.77.175, 18.71.030, 7.68.030, 51.04.030, 51.28.100, 71.05.020, 71.05.215, 71.05.217, 71.05.585, 71.32.110, 71.32.140, 71.32.250, 71.34.020, 71.34.755, and 74.09.497; reenacting and amending RCW 18.71A.010, 69.50.101, 71.05.760, 71.34.750, and 71.34.750; adding new sections to chapter 18.71A RCW; creating a new section; providing effective dates; providing expiration dates; and providing contingent expiration dates.

Referred to Committee on Health Care & Wellness.

HB 1311 by Representatives Reeves, Corry, Chapman, Reed and Cheney

AN ACT Relating to credit repair services performed by a credit services organization; amending RCW 19.134.010, 19.134.020, 19.134.040, 19.134.050, 19.134.060, 19.134.070, and 19.134.080; and creating new sections.

Referred to Committee on Consumer Protection & Business.

HB 1312 by Representatives Rude, Entenman, Goodman, Ortiz-Self and Ormsby

AN ACT Relating to allowing persons who are 70 years of age or older to opt out of juror service; and amending RCW 2.36.100.

Referred to Committee on Civil Rights & Judiciary.

HB 1313 by Representatives Farivar, Macri, Tharinger, Harris, Alvarado, Mena, Thai, Berry, Ryu, Orwall, Callan, Waters, Wylie, Ortiz-Self, Stonier, Cheney, Chopp, Riccelli, Bergquist, Bateman, Morgan, Lekanoff, Reeves, Davis, Senn, Doglio, Santos, Reed, Goodman, Kloba, Pollet, Fosse, Ormsby and Chapman

AN ACT Relating to improving health care affordability for older adults and people with disabilities on medicare; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1314 by Representatives Ormsby, Maycumber, Riccelli, Schmidt, Ramel, Chapman, Harris, Thai, Stonier, Berry, Volz, Bergquist, Bateman, Lekanoff, Macri, Doglio, Gregerson, Reed, Kloba and Leavitt

AN ACT Relating to reassessing standards for polychlorinated biphenyls in consumer products; adding new sections to chapter 70A.350 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1315 by Representatives Schmick and Maycumber

AN ACT Relating to legal newspapers; and amending RCW 65.16.020.

Referred to Committee on Civil Rights & Judiciary.

HB 1316 by Representatives Paul, Ortiz-Self, Stonier, Bergquist, Lekanoff, Ramel, Santos, Reed, Pollet, Leavitt, Timmons, Chapman and Ormsby

AN ACT Relating to expanding access to dual credit programs; amending RCW 28A.600.287, 28A.600.390, and 28A.600.400; reenacting and amending RCW 28A.600.310; adding new sections to chapter 28A.600 RCW; adding a new section to chapter 28B.77 RCW; and repealing RCW 28A.320.196, 28A.600.290, 28B.76.730, 43.131.427, and 43.131.428.

Referred to Committee on Education.

HB 1317 by Representatives Pollet and Gregerson

AN ACT Relating to improving transparency in grassroots lobbying disclosure; and amending RCW 42.17A.640.

Referred to Committee on State Government & Tribal Relations.

HB 1318 by Representatives Ormsby, Springer, Volz, Graham, Riccelli, Reeves and Leavitt

AN ACT Relating to retail sales tax exemptions for certain aircraft maintenance and repair; amending RCW 82.08.025661; and creating a new section.

Referred to Committee on Finance.

HB 1319 by Representatives Reed, Cortes, Berry, Ramel, Cheney, Waters and Kloba

AN ACT Relating to collision reporting criteria triggering driver's license reexamination; and amending RCW 46.52.070.

Referred to Committee on Transportation.

HB 1320 by Representatives Reed, Berry, Ortiz-Self, Ramel, Pollet and Fosse

AN ACT Relating to access to personnel records; amending RCW 49.12.250; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1321 by Representatives Donaghy, Bronoske, Stonier, Riccelli, Fosse and Ormsby

AN ACT Relating to extending the expiration date of the ambulance transport fund; amending RCW 74.70.901; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1322 by Representatives Rude, Chapman, Klicker, Lekanoff and Reeves

AN ACT Relating to the Walla Walla water 2050 plan; amending RCW 90.90.020; and adding a new section to chapter 90.90 RCW.

Referred to Committee on Agriculture and Natural Resources.

HJR 4202 by Representatives Volz, Walsh, Griffey, Graham, Maycumber, Cheney, Couture and Schmidt

Proposing an amendment to the Constitution to provide for an automatic referendum on tax acts.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bills and resolutions 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 eighth order of business.

#### **MOTIONS**

There being no objection, the Committee on Education was relieved of HOUSE BILL NO. 1248, and the bill was referred to the Committee on Appropriations.

There being no objection, the Committee on Local Government was relieved of HOUSE BILL NO. 1219, and the bill was referred to the Committee on Transportation.

There being no objection, the House adjourned until 10:30 a.m., Monday, January 16, 2023, the 8th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## EIGHTH DAY

House Chamber, Olympia, Monday, January 16, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dawson Lobdell and Rohana Joshi. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Terrance Proctor, The Church by the Side of the Road, Tukwila.

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 fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1323 by Representatives Bronoske, Berry, Leavitt, Morgan, Taylor, Senn, Bateman, Reed, Lekanoff and Doglio

AN ACT Relating to requiring a training and certification program for individuals who apply fire-resistant materials; adding new sections to chapter 49.17 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 1324 by Representatives Hackney, Senn, Simmons, Reed, Lekanoff, Doglio, Pollet and Macri

AN ACT Relating to the scoring of prior juvenile offenses in sentencing range calculations; amending RCW 9.94A.525; adding a new section to chapter 9.94A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1325 by Representatives Hackney, Fitzgibbon, Simmons, Walen, Lekanoff, Doglio, Pollet and Macri

AN ACT Relating to allowing qualifying persons serving long sentences committed prior to reaching 25 years of age to seek review for possible release from incarceration; amending RCW 9.94A.510, 9.94A.540, 9.94A.570, 9.94A.730, and 10.95.030; reenacting and amending RCW 9.94A.728; adding a new section to chapter 10.95 RCW; and creating new sections.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1326 by Representatives Cortes, Chopp, Berry, Duerr, Farivar, Morgan, Peterson, Ramel, Ryu, Senn, Simmons, Walen, Mena, Reed, Doglio, Pollet, Springer and Macri

AN ACT Relating to waiving municipal utility connection charges for certain properties; amending RCW 35.92.380; and adding a new section to chapter 35.92 RCW.

Referred to Committee on Local Government.

HB 1327 by Representatives Caldier and Leavitt

AN ACT Relating to faculty in dental schools; and amending RCW 18.32.195.

Referred to Committee on Postsecondary Education & Workforce.

HB 1328 by Representatives Stokesbary and Rude

AN ACT Relating to increasing funding to schools and families for students not meeting academic standards; amending RCW 28A.165.100; adding a new section to chapter 28A.165 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 1329 by Representatives Mena, Alvarado, Berry, Duerr, Leavitt, Morgan, Ramel, Ryu, Senn, Simmons, Timmons, Kloba, Bateman, Slatter, Orwall, Reed, Lekanoff, Gregerson, Doglio, Tharinger, Cortes, Donaghy, Pollet, Callan, Fosse, Macri, Davis and Stonier

AN ACT Relating to preventing utility shutoffs for nonpayment during extreme heat; amending RCW 54.16.285, 57.08.081, 80.28.010, 87.03.015, 59.18.060, and 59.20.070; adding a new section to chapter 23.86 RCW; adding a new section to chapter 24.06 RCW; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 70A.125 RCW.

Referred to Committee on Environment & Energy.

HB 1330 by Representatives Christian, Pollet, Schmidt, Couture, Low and Doglio

AN ACT Relating to adjusting the threshold for requiring candidate contribution certifications relating to foreign nationals; and amending RCW 42.17A.418, 42.17A.240, 42.17A.250, and 42.17A.265.

Referred to Committee on State Government & Tribal Relations.

HB 1331 by Representatives Christian, Dent, Low, Graham and Barkis

AN ACT Relating to providing tax incentives for development at public use airports; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.29A RCW; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 1332 by Representatives Lekanoff, Berry, Ramel, Rude, Reed, Donaghy, Pollet and Macri

AN ACT Relating to supporting public school instruction in tribal sovereignty and federally recognized Indian tribes; and amending RCW 28A.300.105 and 28A.320.170.

Referred to Committee on Education.

HB 1333 by Representatives Ramos, Berg, Berry, Duerr, Leavitt, Taylor, Mena, Peterson, Ramel, Ryu, Senn, Simmons, Street, Reed, Lekanoff, Doglio, Cortes, Pollet, Callan, Fosse, Macri and Stonier

AN ACT Relating to establishing the domestic violent extremism commission; adding a new section to chapter 43.10 RCW; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 1334 by Representatives Hutchins, Simmons, Couture and Ramel

AN ACT Relating to accessing certain aquatic lands by a public transportation benefit area; and adding a new section to chapter 36.57A RCW.

Referred to Committee on Transportation.

HB 1335 by Representatives Hansen, Berry, Farivar, Taylor, Ramel, Simmons, Kloba, Bateman, Reed and Lekanoff

AN ACT Relating to the unauthorized publication of personal identifying information; adding a new section to chapter 4.24 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1336 by Representatives Stokesbary, Springer, Reeves, Graham and Lekanoff

AN ACT Relating to splitting the volunteer firefighters' and reserve officers' relief and pension principal fund into two accounts; amending RCW 41.24.030, 41.24.030, 41.24.035, 43.84.092, and 43.84.092; reenacting and amending RCW 41.24.010; adding new sections to chapter 41.24 RCW; creating new sections; providing an effective date; providing contingent effective dates; providing an expiration date; and providing a contingent expiration date.

Referred to Committee on Appropriations.

HB 1337 by Representatives Gregerson, Barkis, Berry, Christian, Duerr, Fitzgibbon, Taylor, Ramel, Reeves, Simmons, Walen, Graham, Bateman, Reed, Lekanoff, Doglio, Tharinger, Cortes, Macri and Stonier

AN ACT Relating to expanding housing options by easing barriers to the construction and use of accessory dwelling units; amending RCW 36.70A.696, 43.21C.495, and 36.70A.280; adding new sections to chapter 36.70A RCW; creating a new section; and repealing RCW 35.63.210, 35A.63.230, 36.70A.400, 36.70.677, and 43.63A.215.

Referred to Committee on Housing.

HB 1338 by Representatives Reeves, Waters, Walen, Senn, Simmons, Kloba, Reed, Lekanoff, Gregerson, Doglio, Tharinger, Springer, Fosse, Davis and Orwall

AN ACT Relating to education and vocational programs in state correctional institutions; amending RCW 72.09.080, 72.09.460, and 72.09.465; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1339 by Representatives Schmick, Dent and Graham

AN ACT Relating to adjusting the insurance premium tax rate; and amending RCW 48.14.020.

Referred to Committee on Consumer Protection & Business.

HB 1340 by Representatives Riccelli, Thai, Berry, Ormsby, Chopp, Macri, Bergquist, Bateman, Simmons, Stonier, Berg, Duerr, Wylie, Senn, Taylor, Fitzgibbon, Cortes, Goodman, Reed, Lekanoff, Alvarado, Ramel, Kloba, Tharinger and Pollet

AN ACT Relating to actions by health professions disciplining authorities against license applicants and license holders for providing reproductive health care services or gender affirming treatment; amending RCW 18.130.180; reenacting and amending RCW 18.130.055; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health Care & Wellness.

HB 1341 by Representative Wylie

AN ACT Relating to cannabis license ownership; amending RCW 69.50.325, 69.50.331, and 69.50.331; providing effective dates; and declaring an emergency.

Referred to Committee on Regulated Substances & Gaming.

HB 1342 by Representatives Steele, Leavitt, Lekanoff, Chapman and Stokesbary

AN ACT Relating to the modeling, measurement, and reporting of embodied carbon emission reductions from structural building products in state-funded projects; and adding a new chapter to Title 19 RCW.

Referred to Committee on Capital Budget.

HB 1343 by Representatives Kloba, Walen, Berg, Duerr, Taylor, Ramel, Simmons, Bateman, Reed, Gregerson, Doglio, Pollet and Macri

AN ACT Relating to providing local governments with options to grant rent relief and preserve affordable housing in their communities; adding a new chapter to Title 84 RCW; and creating a new section.

Referred to Committee on Housing.

HB 1344 by Representatives Chapman, Robertson and Caldier

AN ACT Relating to taxation of low-proof beverages; amending RCW 66.24.630, 66.24.055, and 82.08.150; reenacting and amending RCW 66.04.010; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Regulated Substances & Gaming.

HB 1345 by Representatives Farivar, Senn, Simmons, Bateman, Lekanoff, Pollet, Fosse and Davis

AN ACT Relating to contribution to costs of privileges by incarcerated individuals; and amending RCW 72.09.470.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1346 by Representatives Shavers, Berry, Couture, Leavitt, Morgan, Simmons, Timmons, Lekanoff, Paul and Donaghy

AN ACT Relating to creating the purple star award; adding a new section to chapter 28A.625 RCW; and creating a new section.

Referred to Committee on Education.

HB 1347 by Representatives Pollet, Lekanoff, Berry, Ramel, Kloba, Slatter, Ryu, Taylor and Doglio

AN ACT Relating to integrating community-based health assessments into foundational environmental policies to

improve environmental justice; amending RCW 70A.65.260; reenacting and amending RCW 70A.65.230; adding a new section to chapter 70A.02 RCW; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1348 by Representatives Callan, Macri, Berry, Leavitt, Morgan, Taylor, Ramel, Senn, Kloba, Chopp, Bateman, Reed, Lekanoff, Gregerson, Doglio, Tharinger, Paul, Eslick, Pollet and Stonier

AN ACT Relating to establishing behavioral health support specialists; amending RCW 18.130.040 and 18.130.040; adding a new section to chapter 48.43 RCW; adding a new chapter to Title 18 RCW; providing an effective date; and providing expiration dates.

Referred to Committee on Health Care & Wellness.

HB 1349 by Representatives Orwall, Leavitt, Ramel, Kloba, Reed, Lekanoff, Pollet and Fosse

AN ACT Relating to foreclosure protections; amending RCW 61.24.008, 61.24.030, 61.24.040, 61.24.160, 61.24.163, 61.24.165, 61.24.166, and 61.24.190; adding a new section to chapter 61.24 RCW; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Housing.

HB 1350 by Representatives Walen, Hutchins, Christian, Duerr, Leavitt, Senn, Stokesbary, Barkis, Gregerson and Pollet

AN ACT Relating to expanding the multifamily tax exemption program to include converting existing multifamily units; amending RCW 84.14.010 and 84.14.020; adding new sections to chapter 84.14 RCW; and providing an expiration date.

Referred to Committee on Housing.

HB 1351 by Representatives Reed, Berry, Duerr, Fitzgibbon, Peterson, Ramel, Simmons, Bateman, Doglio, Tharinger, Alvarado, Macri and Berg

AN ACT Relating to encouraging transit-oriented development through a prohibition on the imposition of minimum parking requirements except under certain circumstances; amending RCW 36.70A.620; adding a new section to chapter 47.80 RCW; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Local Government.

HB 1352 by Representatives Stearns, Low, Cortes, Entenman, Couture, Ramel, Lekanoff, Pollet and Fosse

AN ACT Relating to authorizing tribal investment in county investment pools; and amending RCW 36.29.020, 36.29.022, and 36.29.024.

Referred to Committee on Local Government.

HB 1353 by Representatives Stonier, Berg, Bergquist, Ramel, Senn, Reed, Lekanoff, Gregerson, Pollet, Callan and Macri

AN ACT Relating to school district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, 39.36.020, and 28A.530.020; and providing a contingent effective date.

Referred to Committee on Education.

HB 1354 by Representatives Stonier, Simmons, Senn, Berry, Fitzgibbon, Goodman, Reed, Doglio, Macri and Davis

AN ACT Relating to parental involvement through volunteering in schools after a criminal conviction; amending RCW 28A.320.155 and 28A.400.303; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

HB 1355 by Representatives Wylie, Slatter, Orcutt, Harris, Leavitt, Orwall, Walen, Christian, Couture, Rule, Senn, Stokesbary, Graham, Kloba, Reed, Paul, Donaghy, Pollet and Callan

AN ACT Relating to updating property tax exemptions for service-connected disabled veterans and senior citizens; and amending RCW 84.36.383, 84.36.385, and 84.38.020.

Referred to Committee on Finance.

HB 1356 by Representatives Reeves, Reed, Lekanoff, Doglio, Donaghy and Springer

AN ACT Relating to reducing prescription drug costs by eliminating barriers impeding access to biosimilar medicines; amending RCW 48.43.420 and 41.05.410; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1357 by Representatives Simmons, Schmick, Stonier, Cortes, Reed, Bateman, Harris, Alvarado, Pollet and Caldier

AN ACT Relating to modernizing the prior authorization process; amending RCW 48.43.0161 and 48.43.545; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

HB 1358 by Representatives Cheney, Walen, McClintock, Corry, Volz and Couture

AN ACT Relating to review standards for professional licensing regulation; adding a new chapter to Title 18 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Business.

HB 1359 by Representatives Cheney, Walen, McClintock, Corry, Volz, Duerr, Barkis, Graham and Caldier

AN ACT Relating to expediting professional licenses for new Washington residents; adding a new section to chapter 43.24 RCW; adding a new chapter to Title 18 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Business.

HB 1360 by Representatives McClintock, Walen, Corry, Cheney, Waters, Barnard, Ybarra and Couture

AN ACT Relating to alternative licensing standards of professional licenses; adding a new section to chapter 43.24 RCW; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 1361 by Representatives Abbarno, Rule, Reeves and Gregerson

AN ACT Relating to updating statutes related to state employment by removing obsolete language, eliminating unnecessary reports, conforming a reporting period to fiscal year, and modernizing employee pay procedures; amending

RCW 42.16.010, 41.06.070, and 43.41.275; and reenacting and amending RCW 41.06.133.

Referred to Committee on Appropriations.

**HB 1362** by Representatives Stearns, Reeves, Abbarno, Gregerson, Lekanoff and Tharinger

AN ACT Relating to improving government efficiency related to reports by state agencies by eliminating reports, changing the frequency of reports, and providing an alternative method for having information publicly available in place of reports; amending RCW 43.43.545, 43.63A.510, 43.280.100, 61.24.163, 70A.420.050, 72.09.620, 77.135.090, 28B.77.220, 35.90.020, 43.21A.150, 43.60A.240, 43.61.040, 43.63A.068, 43.105.369, 47.01.330, 54.16.425, 72.09.765, 77.32.555, 82.14.470, and 82.32.765; creating a new section; and repealing RCW 13.32A.045, 19.02.055, 19.280.060, 43.31.980, 43.60A.101, and 62A.9A-527.

Referred to Committee on State Government & Tribal Relations.

**HB 1363** by Representatives Rule, Robertson, Shavers, Mosbrucker, Reeves, Leavitt, Paul, Griffey, Timmons, Bronoske, Klicker, Walen, Hackney, Couture, Maycumber, Corry, Cortes, McClintock, Davis, Bergquist, Christian, Connors, Dent, Jacobsen, Sandlin, Rude, Stokesbary, Barkis, Graham, Chapman, Ryu, Lekanoff, Wylie, Springer, Callan, Cheney, Orcutt, Stonier, Caldier and Berg

AN ACT Relating to vehicular pursuits; and amending RCW 10.116.060.

Referred to Committee on Community Safety, Justice, & Reentry.

**HB 1364** by Representatives Paul, Shavers and Reed

AN ACT Relating to creating the nautical Northwest special license plate; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

**HJR 4203** by Representatives Stonier, Berg, Alvarado, Bergquist, Berry, Duerr, Fitzgibbon, Ortiz-Self, Ramel, Reeves, Senn, Simmons, Walen, Kloba, Goodman, Reed, Lekanoff, Gregerson, Doglio, Pollet, Callan, Fosse and Davis

Amending the Constitution to allow a simple majority of voters voting to authorize school district bonds.

Referred to Committee on Education.

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.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4603**, by Representatives Jinkins, Wilcox, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele,

Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, and Ybarra

WHEREAS, Today, we join with people in every corner of the great state of Washington and throughout the United States of America to honor the life and legacy of the Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, Dr. King was born on January 15, 1929, in Atlanta, Georgia, and on June 18, 1953, he and Coretta Scott were married in Marion, Alabama; and

WHEREAS, He dedicated his life's work to gain civil and economic rights for all; and

WHEREAS, We remember his Letter to Birmingham, which includes the words, "Nonviolent direct action seeks to create such a crisis and establish such creative tension that a community that has consistently refused to negotiate is forced to confront the issue"; and

WHEREAS, People around the world still use his nonviolent philosophy as a guide to make lasting changes, following the words of Dr. King, "Injustice anywhere is a threat to justice everywhere"; and

WHEREAS, His belief in equality and opportunity for all was not restricted to the cessation of racial injustice, it also extended to the necessity of economic justice for all people, so that all may live free of the afflictions of poverty; and

WHEREAS, Dr. King propelled the truths of segregation and racial injustice to the forefront of American conversation at dinner tables across the country, helping to bring an end to unjust laws, and fulfilling the promise of a democracy for every American; and

WHEREAS, The Civil Rights Act of 1964 and the Voting Rights Act of 1965 became law thanks to the blood, sweat, and tears shed by Dr. King and his supporters from every community in the United States; and

WHEREAS, We remember Dr. King's steadfast commitment to the ideals of impartiality and opportunity for all in the face of tyranny, cruelty, and mistreatment by those in power; and

WHEREAS, He received the Nobel Peace Prize in 1964, the youngest man to ever be selected for this extraordinary honor; and

WHEREAS, Despite Dr. King's assassination on April 4, 1968, his legacy of compassion and nonviolence lived on through his followers and his wife, Coretta Scott King; and

WHEREAS, It is fitting to honor Dr. King's historic advocacy for equal treatment of all people during a time of tremendous racial tension;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the importance of the life of Dr. King and exalt his dedicated work and embrace the ideals of equality and equity for all people.

Representative Hackney moved adoption of HOUSE RESOLUTION NO. 4603.

Representatives Hackney, Connors, Reed and Abbarno spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4603 was adopted.

Lift Every Voice and Sing was performed by Alynn Harris-Cobbinah.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, January 17, 2023, the 9th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## NINTH DAY

House Chamber, Olympia, Tuesday, January 17, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1365 by Representatives Dye and Barkis

AN ACT Relating to improving Puget Sound water quality; adding a new section to chapter 90.48 RCW; adding a new section to chapter 43.21A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1366 by Representatives Donaghy, Reed, Santos, Doglio, Ramel, Pollet, Schmidt and Macri

AN ACT Relating to changing the definition of first-time home buyer; and amending RCW 43.185A.010.

Referred to Committee on Capital Budget.

HB 1367 by Representatives Donaghy, Reed, Doglio, Ramel, Pollet and Macri

AN ACT Relating to eliminating unnecessary homeless funding budget and auditing requirements; amending RCW 36.22.179; and reenacting and amending RCW 43.185C.060.

Referred to Committee on Housing.

HB 1368 by Representatives Senn, Fey, Berry, Doglio, Peterson, Chapman, Fosse, Slatter, Gregerson, Callan, Lekanoff, Ramel, Stonier, Street, Santos, Fitzgibbon, Berg, Reed, Simmons, Bergquist, Goodman, Pollet, Cortes, Macri and Leavitt

AN ACT Relating to requiring and funding the purchase of zero emission school buses; amending RCW 28A.160.130, 28A.160.195, and 28A.160.205; adding new sections to chapter 28A.160 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; and creating a new section.

Referred to Committee on Education.

HB 1369 by Representatives Griffey, Bronoske, Riccelli, Maycumber, Couture, Abbarno, Volz, Barkis, Christian and Leavitt

AN ACT Relating to off-duty employment of fish and wildlife officers; adding a new section to chapter 77.15 RCW; and adding a new section to chapter 4.92 RCW.

Referred to Committee on Agriculture and Natural Resources.

HB 1370 by Representatives Reeves, Corry, Reed, Morgan, Ramel, Pollet and Leavitt

AN ACT Relating to the payment of awards to whistleblowers who report violations of state or federal

securities laws and providing protection to whistleblowers and internal reporters; amending RCW 42.56.400 and 43.320.115; and adding a new chapter to Title 21 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1371 by Representatives Barkis, Leavitt, Orcutt, Fey, Barnard, Chapman, Low, Connors, Goehner, Chambers, Chandler, Couture, Griffey, Hutchins, Robertson, Volz, Walsh, Christian, Doglio, Schmick and Gregerson

AN ACT Relating to government incentives for improving freight railroad infrastructure; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 82.16 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

HB 1372 by Representatives Dye, Ybarra, Chambers, Sandlin, Christian, Schmidt and Volz

AN ACT Relating to improving understanding of greenhouse gas emission tradeoffs associated with the electrification of state vehicles; reenacting and amending RCW 70A.45.050; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1373 by Representatives Stokesbary, Corry, Couture, Jacobsen, Eslick, Caldier, Schmidt and Volz

AN ACT Relating to funding the removal of illegal encampments near schools, child care centers, parks, and courthouses; amending RCW 36.70A.190; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.185C RCW; and declaring an emergency.

Referred to Committee on Housing.

HB 1374 by Representatives Slatter, Ybarra, Berry, Reed, Simmons, Ramel, Pollet, Schmidt and Ortiz-Self

AN ACT Relating to establishing the office of career connect Washington; amending RCW 28C.30.020, 28C.30.030, 28C.30.040, 28C.30.050, 28C.30.060, 28C.30.070, and 28B.77.005; adding a new chapter to Title 28B RCW; and recodifying RCW 28C.30.020, 28C.30.030, 28C.30.040, 28C.30.050, 28C.30.060, and 28C.30.070.

Referred to Committee on Postsecondary Education & Workforce.

HB 1375 by Representatives Reeves, Chambers and Reed

AN ACT Relating to liquor licensee privileges for the delivery of alcohol; amending RCW 66.20.320, 82.08.150, and 66.24.660; amending 2021 c 48 s 2 (uncodified); reenacting and amending RCW 66.04.010 and 66.20.310; adding new sections to chapter 66.24 RCW; creating a new section; and declaring an emergency.



Referred to Committee on Regulated Substances & Gaming.

HB 1376 by Representatives Santos and Reed

AN ACT Relating to aligning policies to reflect the updated standards of practice for preparation, continuing education, and other training of school district staff developed by the Washington professional educator standards board under RCW 28A.410.260; amending RCW 28A.190.080, 28A.310.515, 28A.405.106, 28A.410.277, and 28B.50.891; reenacting and amending RCW 28A.410.270; and creating a new section.

Referred to Committee on Education.

HB 1377 by Representatives Santos, Reed and Ortiz-Self

AN ACT Relating to posting of approved courses and providers of continuing education on equity-based school practices, the national professional standards for education leaders, and government-to-government relationships, which is currently required for administrators and teachers; and amending RCW 28A.410.277.

Referred to Committee on Education.

HB 1378 by Representatives Reeves, Dent, Berry, Ramel, Gregerson and Leavitt

AN ACT Relating to derelict aquatic structures; amending RCW 43.21B.110 and 43.21B.305; and adding a new chapter to Title 79 RCW.

Referred to Committee on Agriculture and Natural Resources.

HB 1379 by Representatives Macri, Riccelli, Reed, Simmons, Doglio, Pollet and Fosse

AN ACT Relating to addressing affordability through health care provider contracting; reenacting and amending RCW 41.05.017; adding new sections to chapter 48.43 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1380 by Representatives Stokesbary, Robertson, Barnard, Couture, Hutchins, Jacobsen, Eslick, Christian, Barkis, Schmidt and Volz

AN ACT Relating to providing funding for the recruitment, retention, and support of law enforcement officers; adding a new section to chapter 43.101 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 77.15 RCW; creating new sections; and making appropriations.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1381 by Representatives Dye, Lekanoff and Pollet

AN ACT Relating to salmon-safe communities; adding a new section to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1382 by Representatives Hackney and Fitzgibbon

AN ACT Relating to modifying eligibility for the community transition services program operated by the department of children, youth, and families; amending RCW 13.40.205 and 72.01.412; and providing a contingent effective date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1383 by Representatives Hackney, Fitzgibbon, Walen, Reed, Pollet and Macri

AN ACT Relating to people convicted of one or more crimes committed before the person's 18th birthday petitioning the indeterminate sentence review board for early release; amending RCW 9.94A.730; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1384 by Representatives Shavers, Eslick, Doglio, Ramel, Gregerson and Leavitt

AN ACT Relating to providing access to parks to all Washington veterans; and amending RCW 79A.05.065.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1385 by Representatives Hackney, Goodman, Fitzgibbon and Simmons

AN ACT Relating to seizure and forfeiture procedures and reporting; amending RCW 9.68A.120, 9A.88.150, 9A.83.030, 10.105.010, 19.290.230, 46.61.5058, 70.74.400, 77.15.070, and 38.42.020; reenacting and amending 69.50.505; adding a new chapter to Title 7 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1386 by Representatives Rule, Taylor, Davis, Santos, Doglio, Ramel, Ortiz-Self and Leavitt

AN ACT Relating to establishing a youth development grant program; and adding a new section to chapter 43.330 RCW.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1387 by Representatives Ramos, Goodman, Callan, Ryu, Ramel and Pollet

AN ACT Relating to requiring the criminal justice training commission to establish a program to recruit and train a pool of applicants who may be employed by certain law enforcement agencies in the state; amending RCW 43.101.095; reenacting and amending RCW 43.101.010; adding new sections to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1388 by Representatives Macri, Ramel, Peterson, Thai, Gregerson, Hackney, Ormsby, Alvarado, Doglio, Cortes, Riccelli, Mena, Kloba, Bateman, Fitzgibbon, Street, Taylor, Lekanoff, Simmons, Farivar, Pollet, Stonier, Berry, Reed, Bergquist, Morgan, Davis, Santos, Chopp, Stearns and Fosse

AN ACT Relating to protecting tenants by prohibiting predatory residential rent practices and by applying the consumer protection act to the residential landlord-tenant act and the manufactured/mobile home landlord-tenant act; adding new sections to chapter 59.18 RCW; adding new sections to chapter 59.20 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Housing.

HB 1389 by Representatives Ramel, Macri, Peterson, Duerr, Gregerson, Alvarado, Ormsby, Doglio, Riccelli, Cortes, Mena, Thai, Kloba, Bateman, Street, Taylor, Lekanoff,

Simmons, Farivar, Pollet, Stonier, Berry, Reed, Bergquist, Davis, Santos, Senn, Stearns and Fosse

AN ACT Relating to residential rent increases under the residential landlord-tenant act and the manufactured/mobile home landlord-tenant act; adding new sections to chapter 59.18 RCW; adding new sections to chapter 59.20 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Housing.

HB 1390 by Representatives Ramel, Berry, Duerr, Doglio, Pollet and Reed

AN ACT Relating to district energy systems; amending RCW 19.27A.210; adding a new section to chapter 19.27A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1391 by Representatives Ramel, Doglio, Duerr, Berry, Pollet and Reed

AN ACT Relating to energy in buildings; amending RCW 70A.50.010; adding new sections to chapter 70A.50 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1392 by Representatives Gregerson, Kretz, Ryu, Dent, Berry, Fitzgibbon, Reed, Ramel, Pollet and Macri

AN ACT Relating to promoting the fair servicing and repair of digital electronic equipment in a safe, secure, reliable, and sustainable manner to increase access to appropriate and affordable digital electronic equipment, support small businesses and jobs, and enhance digital connectivity in Washington state; adding a new chapter to Title 19 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

HB 1393 by Representatives Schmidt, Chapman, Reeves, Robertson, Rule, Connors, Reed, Eslick, Christian, Pollet and Volz

AN ACT Relating to the requirements to obtain a journey level electrician certificate of competency; amending RCW 19.28.195; amending 2018 c 249 s 5 and 2020 c 153 ss 30 and 31 (uncodified); creating new sections; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

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, with the exception of HOUSE BILL NO. 1369 which was referred to the Committee on Community Safety, Justice & Reentry.

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

#### REPORTS OF STANDING COMMITTEES

January 13, 2023

HB 1009 Prime Sponsor, Representative Leavitt: Concerning military spouse employment. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

January 13, 2023

HB 1012 Prime Sponsor, Representative Leavitt: Addressing the response to extreme weather events. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Cortes; Paul; Senn; Shavers and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Waters; and Ybarra.

Referred to Committee on Appropriations

January 13, 2023

HB 1023 Prime Sponsor, Representative Walen: Eliminating wire tap authorization reporting to the administrative office of the courts. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

January 13, 2023

HB 1027 Prime Sponsor, Representative Riccelli: Concerning telemedicine. Reported by Committee on Health Care & Wellness

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

Referred to Committee on Rules for second reading

January 13, 2023

HB 1049 Prime Sponsor, Representative Doglio: Updating timelines for adopting county commissioner district boundaries following expansion from three to five commissioners. Reported by Committee on Local Government

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

Referred to Committee on Rules for second reading

January 13, 2023

HB 1066 Prime Sponsor, Representative Goodman:  
Making technical corrections and removing  
obsolete language from the Revised Code of  
Washington pursuant to RCW 1.08.025.  
Reported by Committee on Civil Rights &  
Judiciary

There being no objection, the House adjourned until 10:30  
a.m., Wednesday, January 18, 2023, the 10th Day of the 2023  
Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

MAJORITY recommendation: Do pass. Signed by  
Representatives Hansen, Chair; Farivar, Vice Chair; Cheney;  
Entenman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation.  
Signed by Representatives Walsh, Ranking Minority Member;  
Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

January 13, 2023

HB 1077 Prime Sponsor, Representative Thai:  
Concerning courthouse facility dogs.  
Reported by Committee on Civil Rights &  
Judiciary

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass. Signed by  
Representatives Hansen, Chair; Farivar, Vice Chair; Walsh,  
Ranking Minority Member; Graham, Assistant Ranking  
Minority Member; Cheney; Entenman; Peterson; Rude; Thai  
and Walen.

Referred to Committee on Rules for second reading

January 13, 2023

HB 1102 Prime Sponsor, Representative Taylor:  
Concerning judge pro tempore  
compensation. Reported by Committee on  
Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by  
Representatives Hansen, Chair; Farivar, Vice Chair; Walsh,  
Ranking Minority Member; Graham, Assistant Ranking  
Minority Member; Cheney; Entenman; Peterson; Rude; Thai  
and Walen.

Referred to Committee on Rules for second reading

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 eighth  
order of business.

### MOTION

There being no objection, the Committee on Community  
Safety, Justice, & Reentry was relieved of HOUSE BILL NO.  
1338, and the bill was referred to the Committee on Postsecondary  
Education & Workforce.

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

### ANNOUNCEMENT

#### COMMITTEE APPOINTMENT(S)

With the consent of the House, The Speaker (Representative  
Orwall presiding) appointed Representative Walsh to the  
committee on Human Services, Youth and Early Learning,  
replacing Representative Rude.

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## TENTH DAY

House Chamber, Olympia, Wednesday, January 18, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall 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 Justin Fisher and Messina Occhino. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Wes Wimberly, Church of Living Water, Olympia.

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 fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1394 by Representatives Senn, Goodman, Simmons, Lekanoff and Doglio

AN ACT Relating to creating a developmentally appropriate response to youth who commit sexual offenses; amending RCW 18.155.020, 9A.44.128, 9A.44.130, 9A.44.132, 9A.44.140, 13.40.162, and 9A.44.145; adding a new section to chapter 13.40 RCW; adding a new section to chapter 9A.44 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1395 by Representatives Dent, Barkis, Robertson, Jacobsen, Christian and Eslick

AN ACT Relating to the distribution of aircraft fuel tax revenue; amending RCW 82.42.090; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1396 by Representatives Goodman and Bateman

AN ACT Relating to persons sentenced for aggravated first degree murder committed prior to reaching 21 years of age; amending RCW 9.94A.510, 9.94A.540, 9.94A.6332, 9.94A.729, and 10.95.030; adding new sections to chapter 10.95 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1397 by Representatives Walsh, Robertson, Dent and Eslick

AN ACT Relating to maintaining the safety of children who have been removed from a parent based on abuse, neglect, or abandonment; amending RCW 13.34.145; reenacting and amending RCW 13.34.138; adding a new section to chapter 13.34 RCW; and creating new sections.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1398 by Representatives Chapman, Tharinger and Reed

AN ACT Relating to requiring state agencies to share information to encourage rural economic development; amending RCW 39.12.015; adding a new section to chapter 43.330 RCW; and adding a new section to chapter 49.04 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 1399 by Representatives Lekanoff, Slatter, Taylor, Simmons, Berry, Ramel, Fosse, Macri, Pollet, Reed, Doglio, Davis and Santos

AN ACT Relating to establishing a Native American scholarship program; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.10 RCW; adding a new chapter to Title 28B RCW; creating a new section; and providing an expiration date.

Referred to Committee on Postsecondary Education & Workforce.

HB 1400 by Representatives Peterson, Simmons, Farivar, Senn, Lekanoff, Berg and Macri

AN ACT Relating to property exempt from execution; amending RCW 6.15.010, 6.15.010, and 51.32.040; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1401 by Representatives Jacobsen, Griffey, Bronoske, Goehner, Chapman, Volz, Couture, Abbarno, Chambers, Klicker, Tharinger, Barkis, Christian, Stokesbary, Eslick, Walen and Cheney

AN ACT Relating to cities and counties creating a simple, standardized housing permit process for affordable housing units in areas designated for housing; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Housing.

HB 1402 by Representatives Jacobsen, Griffey, Chapman, Goehner, Volz, Couture, Abbarno, Chambers, Klicker, Barkis, Christian and Stokesbary

AN ACT Relating to adjusting urban growth boundaries to account for situations where property owners have not developed property as expected in comprehensive plans and development regulations; amending RCW 36.70A.110 and 36.70A.280; reenacting and amending RCW 36.70A.130; and creating a new section.

Referred to Committee on Local Government.

HB 1403 by Representatives Goehner, Chapman, Griffey, Corry, Rude, Couture, Christian, Cheney, Barkis and Stokesbary

AN ACT Relating to making it possible for more properties to have access to water, storm drains, and sanitary sewage systems; amending RCW 36.70A.030, 36.70A.110, 36.70A.280, 36.70A.320, 36.70B.040, 36.93.100, and 36.93.105; reenacting and amending RCW 36.70A.070; adding a new section to chapter 36.70 RCW; creating a new section; and repealing RCW 35.67.022 and 35.91.025.

Referred to Committee on Local Government.

HB 1404 by Representatives Goehner, Chapman, Corry, Jacobsen, Griffey, Rude, Couture, Christian, Cheney, Barkis, Stokesbary and Barnard

AN ACT Relating to reforming the state building code council, its operations and procedures, and its statutory authority; amending RCW 19.27.031, 19.27.070, 19.27.074, and 19.27A.025; adding new sections to chapter 19.27 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1405 by Representatives Alvarado, Farivar, Taylor, Reeves, Senn, Mena, Berg, Cortes, Simmons, Berry, Ortiz-Self, Goodman, Lekanoff, Gregerson, Ramel, Macri, Reed, Ormsby, Doglio, Chopp and Santos

AN ACT Relating to preserving public benefit payments to people in the care of the department of children, youth, and families; adding a new section to chapter 43.216 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1406 by Representatives Cortes, Senn, Berry, Ortiz-Self, Goodman, Thai, Alvarado, Simmons, Orwall, Taylor, Bateman, Lekanoff, Peterson, Ramel, Macri, Bergquist, Pollet, Reed, Ormsby, Doglio and Davis

AN ACT Relating to youth seeking housing assistance and other related services; amending RCW 13.32A.040, 13.32A.082, and 43.185C.010; and adding a new section to chapter 43.330 RCW.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1407 by Representatives Taylor, Senn, Simmons, Stonier, Jacobsen, Bateman, Lekanoff, Peterson, Ramel, Macri, Pollet, Reed and Doglio

AN ACT Relating to maintaining eligibility for developmental disability services; and amending RCW 71A.16.040.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1408 by Representatives Doglio, Riccelli, Lekanoff, Macri and Reed

AN ACT Relating to creating an account for the pharmaceutical rebate revenue generated by the purchase of medications for people living with HIV who are enrolled in the early intervention program; reenacting and amending RCW 43.79A.040; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Appropriations.

HB 1409 by Representatives Abbarno, Macri and Christian

AN ACT Relating to compelling the state building code council to expand residential building code classifications; adding a new section to chapter 19.27 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

HB 1410 by Representatives Hansen, Stonier, Taylor, Simmons, Stearns, Berry, Senn, Thai, Lekanoff, Ramel, Macri, Pollet, Reed, Doglio and Santos

AN ACT Relating to supporting people who have been targeted or affected by hate crimes and bias incidents by establishing a reporting hotline, tracking hate crimes and bias incidents, and creating a compensation program and assistance fund; amending RCW 42.56.240; adding new sections to chapter 43.10 RCW; creating new sections; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1411 by Representatives Ortiz-Self, Santos, Berry, Lekanoff, Pollet and Doglio

AN ACT Relating to supporting student success through cross-sector professional development informed by a study of measures of and mitigators for community risk and protective factors; adding a new section to chapter 28A.415 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 1412 by Representatives Shavers and Lekanoff

AN ACT Relating to foreign ownership of agricultural lands; amending RCW 64.16.005; creating new sections; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1413 by Representatives Shavers, Lekanoff, Ramel and Davis

AN ACT Relating to flexible work for general and limited authority Washington peace officers; amending RCW 41.26.030; reenacting and amending RCW 10.93.020; and adding a new section to chapter 49.28 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1414 by Representatives Mena, Fitzgibbon, Bronoske, Riccelli, Barkis and Reed

AN ACT Relating to the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety; amending RCW 46.55.010; and reenacting RCW 46.55.080.

Referred to Committee on Transportation.

HB 1415 by Representatives Maycumber, Chapman, Robertson, Reeves, Cheney, Abbarno, Christian, Barnard and Eslick

AN ACT Relating to making the knowing possession of a controlled substance a gross misdemeanor offense under criminal violations of Title 69 RCW; amending RCW 69.50.4013; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1416 by Representatives Doglio, Ramel, Berry, Lekanoff and Reed

AN ACT Relating to applying the affected market customer provisions of the Washington clean energy transformation act to nonresidential customers of consumer-owned utilities; and amending RCW 19.405.020.

Referred to Committee on Environment & Energy.

HB 1417 by Representatives Volz, Chapman, Graham, Ryu, Schmick, Dye, Walsh, McEntire, Maycumber, Caldier, Dent, Christian, Barnard and Eslick

AN ACT Relating to the multistate nurse licensure compact; amending RCW 18.79.030, 18.130.040, and 18.130.040; adding new sections to chapter 18.79 RCW; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Postsecondary Education & Workforce.

HB 1418 by Representatives Springer, Lekanoff, Entenman, Rude, Rule, Stokesbary, Walen, Chapman, Senn, Reeves, Corry, Bateman, Harris, Griffey, Steele, Hackney, Duerr, Doglio, Couture, Caldier and Barnard

AN ACT Relating to enrichment funding for charter public schools; amending RCW 28A.710.280; and creating a new section.

Referred to Committee on Appropriations.

HB 1419 by Representatives Chapman and Goehner

AN ACT Relating to county treasurers' duties concerning registered warrants; amending RCW 36.29.010; and repealing RCW 36.29.040, 36.29.050, and 36.29.060.

Referred to Committee on Local Government.

HB 1420 by Representatives Hackney, Corry, Walen and Ormsby

AN ACT Relating to lien priority of mortgages and deeds of trust; adding a new section to chapter 61.12 RCW; and creating new sections.

Referred to Committee on Civil Rights & Judiciary.

HB 1421 by Representatives Chambers, Rule, Jacobsen, Dent, Taylor, Barkis, Christian, Springer, Lekanoff, Berg, Schmick, Klicker, Goehner, Eslick and Robertson

AN ACT Relating to adding counties to the voluntary stewardship program; and amending RCW 36.70A.710 and 36.70A.740.

Referred to Committee on Local Government.

HB 1422 by Representatives Springer, Corry and Lekanoff

AN ACT Relating to clarifying that certain reusable packing materials are exempt from sales and use tax; reenacting and amending RCW 82.04.050; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1423 by Representatives Hackney, Waters, Simmons, Christian, Kloba, Lekanoff and Pollet

AN ACT Relating to authorizing the department of natural resources to create and manage a trust land transfer program; amending RCW 79.17.020, 79.17.210, 79.22.060, 43.30.385, 79.19.020, 79.19.030, and 79.11.340; reenacting and amending RCW 79.64.110; adding new sections to chapter 79.17 RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 1424 by Representatives Berg, Walen, Simmons, Kloba, Street, Taylor, Alvarado, Bateman, Stonier, Paul, Fosse, Macri, Reed, Berry, Senn, Duerr, Riccelli, Doglio, Callan, Peterson, Fitzgibbon, Stearns, Ortiz-Self, Goodman, Thai, Springer, Gregerson, Ramel, Bergquist and Pollet

AN ACT Relating to consumer protection with respect to the sale and adoption of dogs and cats; amending RCW

16.52.360; adding a new section to chapter 63.10 RCW; adding a new section to chapter 63.14 RCW; adding a new section to chapter 31.04 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Consumer Protection & Business.

HB 1425 by Representatives Berg, Low, Eslick, Ryu, Stonier, Duerr, Ortiz-Self, Cortes, Peterson, Fosse, Donaghy and Pollet

AN ACT Relating to facilitating municipal annexations; amending RCW 35.13.470 and 82.14.415; and providing an expiration date.

Referred to Committee on Local Government.

HB 1426 by Representatives Mena, Reed, Fosse, Street, Simmons, Bateman, Ramel, Pollet and Ormsby

AN ACT Relating to campaign contributions by controlled entities; amending RCW 42.17A.455; and adding a new section to chapter 42.17A RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1427 by Representatives Mena, Doglio, Ramel, Street, Berry, Duerr, Hackney, Reed, Fosse, Cortes, Lekanoff and Peterson

AN ACT Relating to on-premises energy generation; amending RCW 80.60.020 and 80.60.030; reenacting and amending RCW 80.60.010; adding a new section to chapter 19.86 RCW; adding new sections to chapter 80.60 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1428 by Representatives Alvarado, Street, Reed, Fitzgibbon, Simmons, Berry, Bateman, Mena, Ramel and Macri

AN ACT Relating to pedestrians crossing and moving along roadways; amending RCW 46.61.050, 46.61.055, 46.61.060, 46.61.235, 46.61.240, and 46.61.250; adding a new section to chapter 46.61 RCW; and repealing RCW 46.61.230.

Referred to Committee on Transportation.

HB 1429 by Representatives Stokesbary and Corry

AN ACT Relating to prohibiting strikes by employees covered by the educational employment relations act and authorizing interest arbitration; amending RCW 41.59.020 and 41.59.120; adding a new section to chapter 41.59 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 1430 by Representatives Eslick and Caldier

AN ACT Relating to improving communication between the department of children, youth, and families and caregivers; adding a new section to chapter 74.13 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1431 by Representatives Timmons, Stokesbary, Springer, Corry, Stonier, Abbarno, Rule, Schmick, Street, Fitzgibbon, Jacobsen, Harris, Hutchins, Riccelli, McEntire, Maycumber, Bronoske, Ramel, Robertson, Taylor, Simmons, Tharinger, Berry, Caldier, Reeves, Ortiz-Self, Thai, Christian, Kloba, Bateman, Gregerson, Barnard, Pollet, Reed, Ormsby, Doglio and Cheney

AN ACT Relating to clarifying that meals furnished to tenants of senior living communities as part of their rental agreement are not subject to sales and use tax; amending RCW 82.04.040 and 82.04.040; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 1432 by Representatives Farivar, Cortes, Senn, Simmons, Goodman, Reed, Callan, Ortiz-Self, Fosse, Berry, Alvarado, Thai, Stonier, Lekanoff, Peterson, Gregerson, Ramel, Macri, Pollet and Ormsby

AN ACT Relating to decreasing barriers to successful community participation for individuals involved in the juvenile justice system; amending RCW 6.17.020, 7.68.035, 7.68.120, 10.01.160, 13.40.020, 13.40.060, 13.40.077, 13.40.080, 13.40.127, 13.40.150, 13.40.162, 13.40.165, 13.40.180, 13.40.190, 13.40.200, 13.40.205, 13.40.205, 13.40.210, 13.40.250, 13.40.308, 13.40.510, 13.50.260, 13.50.270, and 43.43.7541; reenacting and amending RCW 13.40.020; adding new sections to chapter 13.40 RCW; creating new sections; repealing RCW 13.40.056, 13.40.085, 13.40.192, 13.40.198, 13.40.610, and 13.40.640; providing contingent effective dates; and providing contingent expiration dates.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1433 by Representatives Duerr, Ramel, Fitzgibbon, Berry, Reed and Doglio

AN ACT Relating to energy labeling of residential buildings; adding a new section to chapter 19.27A RCW; adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1434 by Representatives Thai, Riccelli, Stonier and Lekanoff

AN ACT Relating to protecting patients in facilities regulated by the department of health by establishing uniform enforcement tools; amending RCW 18.46.010, 18.46.050, 18.46.130, 70.42.010, 70.42.130, 70.42.180, 70.127.010, 70.127.170, 70.127.213, 70.230.010, 70.230.070, 71.12.710, 71.12.500, 70.38.025, 70.38.111, 70.38.260, 70.170.020, 18.64.005, 18.64.011, 18.64.047, 18.64.165, 18.64A.020, 18.64A.060, 69.45.080, 69.43.100, 69.43.140, 69.50.302, 69.50.303, 69.50.304, 69.50.310, 69.50.320, and 69.41.080; reenacting and amending RCW 71.12.455, 71.24.025, and 71.24.037; adding a new section to chapter 18.46 RCW; adding new sections to chapter 70.42 RCW; adding new sections to chapter 70.127 RCW; adding a new section to chapter 70.230 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 71.24 RCW; adding new sections to chapter 18.64 RCW; adding a new section to chapter 69.38 RCW; adding a new section to chapter 69.45 RCW; repealing RCW 18.64.200, 18.64.390, and 69.50.305; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1435 by Representatives Bronoske, Taylor, Bateman, Ryu, Riccelli, Gregerson, Callan, Pollet, Simmons, Reeves and Doglio

AN ACT Relating to the development of a home care safety net assessment; adding a new section to chapter 70.127 RCW; adding a new section to chapter 74.39A RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1436 by Representatives Pollet, Berry, Simmons, Farivar, Orwall, Street, Caldier, Alvarado, Ryu, Reeves, Ortiz-Self, Christian, Kloba, Duerr, Stonier, Bateman, Lekanoff, Berg, Riccelli, Fosse, Macri, Bergquist, Reed, Doglio and Chopp

AN ACT Relating to special education funding; amending RCW 28A.150.390 and 28A.150.392; adding new sections to chapter 28A.155 RCW; and creating a new section.

Referred to Committee on Education.

HB 1437 by Representatives Kloba, Ybarra, Leavitt, McEntire, Reeves, Jacobsen, Ryu, Caldier, Macri and Reed

AN ACT Relating to the interstate massage compact; and adding a new chapter to Title 18 RCW.

Referred to Committee on Postsecondary Education & Workforce.

HJM 4000 by Representatives Lekanoff, Robertson, Ramel, Pollet, Reed and Doglio

Recognizing the international year of the salmon.

Referred to Committee on Agriculture and Natural Resources.

HJR 4204 by Representatives Volz, Ormsby, Chandler, Ybarra, Fosse, Harris, Steele, Waters, Robertson, Griffey, Bateman, Macri, Thai, Riccelli, Barnard, Pollet and Reed

Authorizing investment of funds held for the purpose of reducing persistent poverty.

Referred to Committee on Appropriations.

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

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Orwall presiding) recognized and welcomed the following individuals from the Pacific Northwest Economic Region - also known as PNWER who were seated in the South Gallery. Bryce Campbell, Foreign Policy and Diplomacy Services Officer, Consulate General of Canada - Seattle; Andrew Fisher, Director of the U.S. West Coast, Government of Alberta; and Matt Morrison, Chief Executive Officer.

There being no objection, the House adjourned until 10:30 a.m., Thursday, January 19, 2023, the 11th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## ELEVENTH DAY

House Chamber, Olympia, Thursday, January 19, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ryan Macquarrie and Sarah Haycox. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Fawn Cobler, Church of Living Water, Olympia

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 fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1438 by Representatives Eslick, Dent and Chapman

AN ACT Relating to authorizing bona fide charitable or nonprofit organizations to conduct Calcutta auctions on shooting sports contests; reenacting and amending RCW 82.04.050; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Regulated Substances & Gaming.

HB 1439 by Representatives Goodman, Eslick, Simmons, Walen, Fey, Reed, Doglio, Davis and Leavitt

AN ACT Relating to child exposure to violence; reenacting and amending RCW 26.44.020; adding a new section to chapter 26.44 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1440 by Representatives Thai, Taylor, Simmons, Reed and Pollet

AN ACT Relating to the jurisdiction of juvenile court; amending RCW 9A.04.050, 13.40.590, and 13.40.600; adding a new section to chapter 43.216 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1441 by Representatives Chambers, Walen and Springer

AN ACT Relating to the use of automatic renewal provisions in business equipment and business services contracts; and adding a new chapter to Title 19 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1442 by Representatives Low, Christian, Abbarno, Chapman, Eslick and Pollet

AN ACT Relating to defining synthetic media in campaigns for elective office, and providing relief for candidates and campaigns; and adding a new chapter to Title 42 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1443 by Representatives Low, Christian, Abbarno, Chapman, Ormsby, Eslick, Gregerson and Pollet

AN ACT Relating to updating the process for online voter registration by allowing voter applicants to provide the last four digits of social security number for authentication; amending RCW 29A.08.123; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1444 by Representatives McEntire, Santos, Chapman, Couture, Doglio and Leavitt

AN ACT Relating to providing common school trust revenue to small school districts; and adding a new section to chapter 28A.515 RCW.

Referred to Committee on Capital Budget.

HB 1445 by Representatives Hansen, Simmons, Reed, Thai, Pollet and Macri

AN ACT Relating to strengthening and clarifying the authority of the attorney general to address law enforcement and local corrections agency misconduct through investigations and legal actions; adding new sections to chapter 43.10 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1446 by Representatives Stokesbary, Chapman, Robertson, Volz and Davis

AN ACT Relating to incentivizing cities and counties to increase employment of commissioned law enforcement officers; reenacting and amending RCW 43.101.200; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1447 by Representatives Peterson, Gregerson, Berry, Taylor, Simmons, Ortiz-Self, Ryu, Reed, Kloba, Doglio, Ormsby, Thai, Fosse, Pollet, Macri, Alvarado and Leavitt

AN ACT Relating to strengthening the ability of assistance programs to meet foundational needs of children, adults, and families; amending RCW 74.04.005, 74.04.770, 74.08A.010, 74.08A.015, 74.08A.230, 74.08A.250, and 74.08A.270; reenacting and amending RCW 74.08A.010; providing effective dates; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1448 by Representatives Hackney and Eslick

AN ACT Relating to compliance with federal motor carrier safety administration requirements for the drug and alcohol clearinghouse; amending RCW 46.25.052, 46.25.060, 46.25.088, 46.25.100, 46.25.090, 46.25.120, and 46.20.324;



reenacting and amending RCW 46.25.010; adding a new section to chapter 46.25 RCW; repealing RCW 46.25.123 and 46.25.125; and providing an effective date.

Referred to Committee on Transportation.

HB 1449 by Representatives Alvarado, Hutchins, Fitzgibbon, Simmons, Christian, Low, Reed, Gregerson, Macri and Bateman

AN ACT Relating to amending reporting requirements for the project permit application processing timeline; and amending RCW 36.70B.020, 36.70B.080, and 36.70A.500.

Referred to Committee on Local Government.

HB 1450 by Representatives Stonier, Harris, Simmons, Reed and Macri

AN ACT Relating to coverage for biomarker testing; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

HB 1451 by Representatives Senn, Harris, Fitzgibbon, Santos, Berry, Callan, Ortiz-Self, Chapman, Springer, Schmidt, Bergquist, Ryu, Abbarno, Reeves, Reed, Doglio, Fosse, Eslick, Pollet, Davis, Macri, Goodman, Leavitt, Cortes and Simmons

AN ACT Relating to expanding the child care workforce; adding a new section to chapter 28A.630 RCW; adding new sections to chapter 43.216 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1452 by Representatives Timmons, Harris, Simmons, Rude, Doglio, Pollet, Bateman and Leavitt

AN ACT Relating to establishing a state medical reserve corps; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1453 by Representatives Wylie, Chapman and Kloba

AN ACT Relating to providing a tax exemption for medical cannabis patients; and amending RCW 69.50.535.

Referred to Committee on Regulated Substances & Gaming.

HB 1454 by Representatives Ryu and Volz

AN ACT Relating to classification as a competitive telecommunications company for an incumbent local exchange carrier currently operating under an alternative form of regulation authorized by RCW 80.36.135; and amending RCW 80.36.320.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1455 by Representatives Stonier, Berry, Farivar, Rude, Fey, Reed, Morgan, Thai, Fosse, Pollet, Macri and Bateman

AN ACT Relating to eliminating child marriage; amending RCW 26.04.010, 26.04.130, and 26.04.210; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1456 by Representatives Griffey, Volz, Abbarno, Couture, Mosbrucker, Graham, Chapman, Christian, Schmidt, Caldier and Jacobsen

AN ACT Relating to changing the definition of theft; and amending RCW 9A.56.020.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1457 by Representatives Robertson, Berry, Santos, Reed and Fosse

AN ACT Relating to a motor carrier's ability to access restroom facilities required by rules authorized under chapter 49.17 RCW; adding a new section to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1458 by Representatives Shavers, Fosse, Santos, Berry, Simmons, Alvarado, Doglio, Ormsby, Gregerson and Pollet

AN ACT Relating to unemployment insurance benefits for individuals participating in an apprenticeship program; amending RCW 50.20.010; creating new sections; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1459 by Representatives Stokesbary, Ormsby, Santos, Robertson, Bergquist, Steele, Volz, Maycumber, Graham, Kloba, Chambers, Jacobsen, Eslick, Gregerson, Macri and Bateman

AN ACT Relating to providing an annual adjustment in the public employees' retirement system and teachers' retirement system plan 1 benefits capped at \$110 per month by adjusting the long-term investment rate of return assumption; amending RCW 41.45.035; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1460 by Representatives Hackney, Waters, Simmons, Kloba, Pollet, Davis and Macri

AN ACT Relating to the department of natural resources trust land management; amending RCW 79.17.020, 79.17.210, 79.22.060, 43.30.385, 79.19.020, 79.19.030, 79.11.340, and 79.22.140; reenacting and amending RCW 79.64.110; adding new sections to chapter 79.17 RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 1461 by Representatives Maycumber, Riccelli, Volz, Ormsby, Corry, Christian, Rude, Schmidt, Graham, Caldier, Eslick, Davis and Leavitt

AN ACT Relating to a pilot project for providing basic law enforcement training in eastern Washington; adding a new section to chapter 43.101 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1462 by Representatives Doglio, Bronoske, Fosse, Reed, Chopp, Stonier, Street, Berry, Cortes, Ramel, Simmons, Ormsby, Gregerson, Pollet and Macri

AN ACT Relating to journey level electrician certifications of competency; amending RCW 19.28.191; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1463 by Representatives Caldier, Farivar, Rude, Walen, Chapman, Chandler, Doglio, Jacobsen and Thai

AN ACT Relating to requiring the state to provide transportation to state employees with disabilities when certain conditions are met; and adding a new section to chapter 43.03 RCW.

Referred to Committee on State Government & Tribal Relations.

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 17, 2023

HB 1010 Prime Sponsor, Representative Chapman:  
Concerning the sanitary control of shellfish.  
Reported by Committee on Agriculture and  
Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

January 17, 2023

HB 1017 Prime Sponsor, Representative Ryu:  
Expediting licensure for cosmetologists, hair designers, barbers, manicurists, and estheticians. Reported by Committee on Consumer Protection & Business

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

Referred to Committee on Rules for second reading

January 17, 2023

HB 1020 Prime Sponsor, Representative Morgan:  
Designating the Suciassaurus rex as the official dinosaur of the state of Washington.  
Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

January 17, 2023

HB 1030

Prime Sponsor, Representative Leavitt:  
Concerning applied doctorate degree-granting authority. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

January 16, 2023

HB 1043

Prime Sponsor, Representative McEntire:  
Concerning association records in common interest communities. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

January 16, 2023

HB 1046

Prime Sponsor, Representative Walen:  
Expanding housing supply by supporting the ability of public housing authorities to finance affordable housing developments by rebenchmarking area median income limits.  
Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

January 16, 2023

HB 1054

Prime Sponsor, Representative Walen:  
Addressing the authority of owners' associations in common interest communities to regulate or limit occupancy by unrelated persons. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Low; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Connors, Assistant Ranking Minority Member; and Hutchins.

Referred to Committee on Rules for second reading

January 17, 2023

HB 1060

Prime Sponsor, Representative Corry:  
Concerning reorganization of domestic mutual insurers. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

January 17, 2023

HB 1138 Prime Sponsor, Representative Chapman: Concerning drought preparedness. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

January 17, 2023

HB 1179 Prime Sponsor, Representative Ramos: Authorizing the state auditor to receive nonconviction data. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

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 eighth order of business.

#### **MOTION**

There being no objection, the Committee on Education was relieved of HOUSE BILL NO. 1436, and the bill was referred to the Committee on Appropriations.

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

#### **ANNOUNCEMENT**

#### **COMMITTEE APPOINTMENT(S)**

The Speaker (Representative Bronoske presiding) announced that Representative Stearns was appointed Vice Chair of the Committee on Regulated Substances & Gaming

There being no objection, the House adjourned until 9:55 a.m., Friday, January 20, 2023, the 12th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## TWELFTH DAY

House Chamber, Olympia, Friday, January 20, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4604**, by Representatives Thai, Orwall, Sandlin, Mena, Davis, Taylor, Leavitt, Berry, Macri, Santos, Cortes, Robertson, Callan, and Duerr

WHEREAS, On this twenty-second day of January 2023 the people of the great state of Washington unite to celebrate the Lunar New Year, joining to distinguish Asian American joy, cultures, and beautiful diversity; and

WHEREAS, The Lunar New Year begins on the first new moon of the lunisolar calendar; and

WHEREAS, This year is designated as the Year of the Rabbit or the Cat, both animals in the zodiac are characterized by their grace, adaptability, and thoughtfulness; their gentle nature bringing symbols of longevity, tranquility, and prosperity to the year; and

WHEREAS, Washington acknowledges both the wonderful heritage and collective trauma of our Asian American ancestors; and

WHEREAS, We deeply appreciate the Asian American community that has made Washington a vibrant place for us all to call home, through building and supporting their communities despite the uncertainty they have faced at times; and

WHEREAS, We highlight the solidarity and strength of the Asian American community in the face of violent racism, during the past few years – well before – and ongoing; and

WHEREAS, The Lunar New Year is a time to embrace reflections and understanding as we look towards renewal; and

WHEREAS, We step into the Year of the Rabbit or the Cat not just as an individual, but as a family united in compassion and community stewardship;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives stands with the Asian American community in times of crisis and in times of celebration, we come together now with memories of fond endings and visions for new beginnings in acknowledgment of the Lunar New Year.

HOUSE RESOLUTION NO. 4604 was adopted.

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

## INTRODUCTION &amp; FIRST READING

HB 1464 by Representatives Hackney, Barnard, Walen, Jacobsen, Ormsby, Gregerson, Leavitt, Ryu and Bergquist

AN ACT Relating to the protection of critical constituent and state operational data against the financial and personal harm caused by ransomware and other malicious cyber activities; amending RCW 43.105.220 and 43.105.342; reenacting and amending RCW 43.105.020; adding a new section to chapter 43.105 RCW; adding a new section to chapter 42.56 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Relations.

HB 1465 by Representatives Riccelli, Corry, Simmons, Tharinger, Leavitt, Bateman and Pollet

AN ACT Relating to cost-sharing fairness; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.200 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1466 by Representatives Riccelli, Leavitt and Morgan

AN ACT Relating to currently credentialed dental auxiliaries; amending RCW 18.29.005, 18.29.050, and 18.29.190; adding new sections to chapter 18.29 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1467 by Representatives Barkis, Goehner and Christian

AN ACT Relating to infill for properties uniquely situated between boundaries and existing development; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1468 by Representatives Goehner, Duerr, Jacobsen, Griffey, Barkis, Robertson, Hutchins, Chapman, Riccelli, Berg, Bateman and Pollet

AN ACT Relating to impact fee deferrals; amending RCW 82.02.050; and repealing RCW 43.31.980.

Referred to Committee on Local Government.

HB 1469 by Representatives Hansen, Thai, Chopp, Fitzgibbon, Simmons, Berry, Slatter, Santos, Ryu, Street, Gregerson, Goodman, Peterson, Tharinger, Ramel, Macri, Ormsby, Reeves, Senn, Doglio, Riccelli, Alvarado, Bateman, Morgan, Callan, Bergquist and Pollet

AN ACT Relating to protecting access to reproductive health care services and gender-affirming treatment in Washington state; amending RCW 5.51.020, 5.56.010, 9.73.040, 9.73.260, 10.55.020, 10.88.250, 10.88.320, 10.88.330, 10.96.020, 10.96.040, and 40.24.030; adding a new chapter to Title 7 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

HB 1470 by Representatives Ortiz-Self, Chopp, Simmons, Santos, Ryu, Orwall, Chapman, Gregerson, Doglio, Peterson, Ramel, Macri, Ormsby, Berg, Leavitt, Bateman, Morgan and Fey

AN ACT Relating to private detention facilities; amending RCW 42.56.475, 70.395.010, 70.395.020, and 70.395.030; adding new sections to chapter 70.395 RCW; creating a new section; prescribing penalties; and providing effective dates.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1471 by Representatives Stearns, Ramos, Gregerson and Ryu

AN ACT Relating to modifying state procurement procedures for competitive, sole source, convenience, and emergency goods and services contracts; amending RCW 39.26.010, 39.26.070, 39.26.130, 39.26.140, and 39.26.200; and repealing RCW 39.26.260, 39.26.270, and 39.26.271.

Referred to Committee on State Government & Tribal Relations.

HB 1472 by Representatives Barkis, Robertson, Hutchins, Walsh, Orcutt, Griffey, Goehner, Schmidt, Klicker, Dent, Low, Jacobsen, Christian, Eslick and McClintock

AN ACT Relating to dedicating the state sales tax on motor vehicles for transportation; amending RCW 82.08.020, 82.12.020, 43.84.092, and 43.84.092; adding a new section to chapter 46.68 RCW; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1473 by Representatives Thai, Berg, Ryu, Peterson, Farivar, Street, Chopp, Hackney, Taylor, Reed, Berry, Ramel, Ortiz-Self, Reeves, Entenman, Goodman, Walen, Wylie, Ormsby, Duerr, Alvarado, Pollet, Riccelli, Gregerson, Macri, Fosse, Mena, Bateman, Santos, Stearns, Senn, Callan, Kloba, Simmons, Tharinger, Chapman, Fey, Cortes, Davis, Doglio, Slatter, Morgan and Bergquist

AN ACT Relating to investing in Washington families and creating a more fair tax system by enacting a narrowly tailored property tax on extreme wealth derived from the ownership of stocks, bonds, and other financial intangible property; amending RCW 82.32.160, 43.135.034, and 82.32.655; adding a new title to the Revised Code of Washington to be codified as Title 84A RCW; creating new sections; and prescribing penalties.

Referred to Committee on Finance.

HB 1474 by Representatives Taylor, Chopp, Berg, Peterson, Reed, Stonier, Gregerson, Bronoske, Cortes, Mena, Street, Ramel, Fosse, Fey, Goodman, Duerr, Bateman, Morgan, Alvarado, Macri, Senn, Berry, Kloba, Hackney, Springer, Slatter, Callan, Orwall, Farivar, Simmons, Ortiz-Self, Thai, Ryu, Stearns, Wylie, Ramos, Doglio, Riccelli, Chapman, Santos, Davis, Ormsby, Bergquist and Pollet

AN ACT Relating to creating the covenant homeownership account and program to address the history of housing discrimination due to racially restrictive real estate covenants in Washington state; amending RCW 36.18.010, 43.84.092, and 43.84.092; adding a new section to chapter 36.22 RCW; adding a new chapter to Title 43 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Housing.

HB 1475 by Representatives Farivar, Mena, Fosse, Taylor, Reed, Gregerson, Simmons, Chapman, Ryu, Peterson, Ramel, Macri, Morgan, Bergquist and Pollet

AN ACT Relating to increasing access to elections by allowing certain populations to return ballots using an online ballot portal; amending RCW 29A.40.091, 29A.60.235, and 29A.04.611; reenacting and amending RCW 29A.40.110; adding a new section to chapter 29A.40 RCW; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

HB 1476 by Representatives Shavers, Chapman, Ryu, Springer and Leavitt

AN ACT Relating to allowing the use of impact fees for law enforcement; and amending RCW 82.02.090.

Referred to Committee on Local Government.

HB 1477 by Representatives Thai, Street, Doglio, Berry, Chapman, Santos, Ryu, Alvarado, Ramel, Macri, Ormsby, Leavitt, Pollet and Fey

AN ACT Relating to making changes to the working families' tax credit that clarify program qualification requirements, allow applications to be submitted for up to three years, and require a biennial program report from the department of revenue; amending RCW 82.08.02061; reenacting and amending RCW 82.08.0206; and providing an effective date.

Referred to Committee on Finance.

HB 1478 by Representatives Timmons, Sandlin, Santos, Ryu, Ramel and Pollet

AN ACT Relating to a statement of student rights that reaffirms and promotes the constitutional and statutory rights of public school students; adding a new section to chapter 28A.230 RCW; and creating new sections.

Referred to Committee on Education.

HB 1479 by Representatives Callan, Santos, Goodman, Ramel, Ormsby and Pollet

AN ACT Relating to restraint or isolation of students in public schools and educational programs; amending RCW 28A.600.485; and creating a new section.

Referred to Committee on Education.

HB 1480 by Representatives Donaghy, Doglio, Ryu, Gregerson and Ramel

AN ACT Relating to all-hazard emergency management in energy contingency plans; and amending RCW 43.21F.045.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1481 by Representatives Cortes, Stearns, Chopp, Chapman, Peterson, Jacobsen, Ramel, Orwall, Ormsby, Reeves, Senn, Leavitt, Ortiz-Self, Taylor, Bergquist and Pollet

AN ACT Relating to permitting general authority peace officers certificated by the criminal justice training commission and employed on a full-time basis by the government of a federally recognized tribe to participate in the law enforcement officers' and firefighters' retirement system plan 2; amending RCW 41.26.030 and 41.26.450; adding new sections to chapter 41.26 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 1482 by Representatives Orcutt, Chapman, Jacobsen, Leavitt, McClintock and Senn

AN ACT Relating to protecting senior citizens' and disabled veterans' property tax exemption eligibility; amending RCW 84.36.381; and creating new sections.

Referred to Committee on Finance.

HB 1483 by Representatives Orcutt and Jacobsen

AN ACT Relating to providing property tax relief by reducing both parts of the state school levies based on an amount that approximates the fiscal impact of extraordinary growth in

property values that exceeded the valuation growth assumptions of budget writers when part two of the state school levy was enacted; amending RCW 84.52.065 and 84.55.010; and creating new sections.

Referred to Committee on Finance.

HB 1484 by Representatives Orcutt and Jacobsen

AN ACT Relating to updating the estate tax exclusion amount; reenacting and amending RCW 83.100.020; and providing an effective date.

Referred to Committee on Finance.

HB 1485 by Representatives Orcutt, Wylie, Donaghy, Ryu and Leavitt

AN ACT Relating to roadside safety measures; amending RCW 46.37.196 and 46.61.212; and creating a new section.

Referred to Committee on Transportation.

HB 1486 by Representatives Orcutt, Leavitt, Chapman, Shavers and Christian

AN ACT Relating to authorizing military surplus vehicles to operate on public highways; amending RCW 46.04.123, 46.04.126, 46.18.220, and 46.37.010; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.12 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1487 by Representatives Orcutt and Chapman

AN ACT Relating to improving motorcycle safety by authorizing the use of the right shoulder of limited access roadways; and amending RCW 46.61.608.

Referred to Committee on Transportation.

HB 1488 by Representatives Orcutt, Chapman, Dent, Griffey, Couture and Reeves

AN ACT Relating to creating special license plates that support working forests; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1489 by Representatives Orcutt and Ryu

AN ACT Relating to creating Mount St. Helens special license plates; reenacting and amending RCW 46.18.200, 46.17.220, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1490 by Representatives Orcutt, Chapman and Jacobsen

AN ACT Relating to direct sales of milk; and adding a new section to chapter 15.36 RCW.

Referred to Committee on Agriculture and Natural Resources.

HB 1491 by Representatives Orcutt, Chapman, Berry, Bronoske, Tharinger and Pollet

AN ACT Relating to prohibiting unjustified employer searches of employee personal vehicles; adding new sections to chapter 49.12 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HJM 4001 by Representatives Orcutt, Walsh, McEntire, Abbarno, Christian and McClintock

Requesting the transportation commission to designate a section of Interstate 5 the Cowlitz County Deputy Sheriff Justin DeRosier memorial highway.

Referred to Committee on Transportation.

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 19, 2023

HB 1024

Prime Sponsor, Representative Simmons: Concerning labor and income of incarcerated persons. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

January 18, 2023

HB 1031

Prime Sponsor, Representative Low: Modifying medal of valor award presentation requirements. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

January 19, 2023

HB 1104

Prime Sponsor, Representative Goodman: Concerning eligibility and requirements for deferred prosecutions. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Transportation

January 18, 2023

HB 1156 Prime Sponsor, Representative Slatter:  
Extending the terms of eligibility for the  
Washington college grant program. Reported  
by Committee on Postsecondary Education  
& Workforce

MAJORITY recommendation: Do pass. Signed by  
Representatives Slatter, Chair; Entenman, Vice Chair; Reed,  
Vice Chair; Ybarra, Ranking Minority Member; Waters,  
Assistant Ranking Minority Member; Hansen; Jacobsen;  
Klicker; Leavitt; Pollet; Schmidt and Timmons.

MINORITY recommendation: Do not pass. Signed by  
Representative Chandler.

MINORITY recommendation: Without recommendation.  
Signed by Representative McEntire.

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 adjourned until 10:30  
a.m., Monday, January 23, 2023, the 15th Day of the 2023 Regular  
Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTEENTH DAY

House Chamber, Olympia, Monday, January 23, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall 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 Ulrich Poehlmann and Jillian Yahne. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Dave Brown, retired pastor of Immanuel Presbyterian Church, Tacoma and creator and host of Blues Vespers.

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 fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 1492 by Representatives Simmons, Peterson, Santos, Doglio, Pollet, Macri and Reed

AN ACT Relating to providing relief for persons affected by State v. Blake; amending RCW 9.94A.640, 9.96.060, and 72.09.480; adding a new section to chapter 42.56 RCW; and adding a new chapter to Title 9 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1493 by Representative Goodman

AN ACT Relating to impaired driving; amending RCW 9.94A.030, 10.05.060, 46.20.355, 46.20.385, 46.20.720, 46.20.740, 46.52.130, and 46.61.5055; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1494 by Representatives Dent, Peterson, Lekanoff, Reeves and Ybarra

AN ACT Relating to collection of assessments for irrigation and rehabilitation districts; amending RCW 87.84.070; and creating a new section.

Referred to Committee on Local Government.

HB 1495 by Representatives Simmons, Pollet, Macri, Riccelli, Ramel, Wylie, Stonier, Goodman, Gregerson, Bateman, Ormsby, Reed and Fosse

AN ACT Relating to requiring health carriers to reimburse advanced registered nurse practitioners and physician assistants at the same rate as physicians for the same services; reenacting and amending RCW 41.05.017; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1496 by Representatives Walsh, Chapman, Jacobsen, Santos, Graham and Doglio

AN ACT Relating to transferring ownership of the Naselle Youth Camp property to the Chinook Indian Nation;

amending RCW 28A.190.005 and 72.05.010; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1497 by Representatives Harris, Bateman, Ramel, Leavitt, Senn, Duerr, Doglio, Pollet, Macri, Reed, Riccelli, Stonier and Bergquist

AN ACT Relating to preventing use of vapor, vapor products, tobacco, and tobacco products by minors by increasing penalties against those who sell to minors and removing civil liability and the ability to detain a minor for suspected possession of products; amending RCW 70.155.100, 70.155.110, and 70.345.160; reenacting and amending RCW 70.155.120; creating new sections; and repealing RCW 70.155.080 and 70.345.140.

Referred to Committee on Regulated Substances & Gaming.

HB 1498 by Representatives Dye, Dent, Christian, Schmidt, Eslick, Graham and Volz

AN ACT Relating to aviation assurance funding in response to wildland fires; amending RCW 76.04.511; and adding a new chapter to Title 89 RCW.

Referred to Committee on Agriculture and Natural Resources.

HB 1499 by Representatives Shavers, Ramel, Santos, Leavitt, Gregerson, Bateman, Ormsby, Doglio, Pollet, Reed, Ortiz-Self, Stonier and Fosse

AN ACT Relating to food assistance funding; and amending RCW 43.23.290.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1500 by Representatives Eslick, Chapman, Jacobsen, Ramel, Leavitt, Walen, Peterson, Couture, Paul, Doglio and Macri

AN ACT Relating to increasing the cap on gross sales for cottage food operations; amending RCW 69.22.050; and adding a new section to chapter 69.22 RCW.

Referred to Committee on Agriculture and Natural Resources.

HB 1501 by Representatives Steele, Caldier, Santos, Leavitt, Schmidt, Eslick, Orwall, Reeves and Graham

AN ACT Relating to authorizing additional counseling services for immediate family members of homicide victims; and amending RCW 7.68.080.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1502 by Representatives Berry, Gregerson, Simmons, Walen, Reeves, Doglio, Macri, Reed, Ortiz-Self, Riccelli and Fosse

AN ACT Relating to studying the impacts of job protection on the utilization of paid family medical leave benefits; and creating a new section.



Referred to Committee on Labor & Workplace Standards.

HB 1503 by Representatives Riccelli, Santos, Reeves, Macri and Reed

AN ACT Relating to the collection of health care professionals' information at the time of license application and license renewal; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Postsecondary Education & Workforce.

HB 1504 by Representatives Low, Alvarado, Eslick, Fosse, Donaghy, Cortes, Harris, Leavitt, Taylor, Duerr, Schmidt, Goodman, Graham, Volz, Doglio, Pollet, Macri, Reed, Riccelli and Callan

AN ACT Relating to ensuring elementary school students receive sufficient daily recess for mental and physical health; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Education.

HB 1505 by Representatives Slatter, Barnard, Doglio, Dye, Hackney, Jacobsen, Lekanoff, Riccelli, Low, Berry, Ramel, Fitzgibbon, Ybarra, Stokesbary, Corry, Orwall, Abbarno, Chapman, Christian, Dent, Peterson, Ormsby, Reeves, Paul, Macri, Reed, Fosse and Tharinger

AN ACT Relating to promoting the alternative jet fuel industry in Washington; amending RCW 70A.535.010, 43.330.565, and 43.330.570; adding a new section to chapter 70A.65 RCW; adding a new section to chapter 70A.535 RCW; adding a new section to chapter 28B.30 RCW; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1506 by Representatives Ryu, Santos, Ramel, Duerr, Chopp, Doglio, Pollet and Reed

AN ACT Relating to leases on land managed or occupied by the department of social and health services; and amending RCW 43.82.010.

Referred to Committee on Capital Budget.

HB 1507 by Representatives Entenman, Ramel, Alvarado, Orwall, Reeves, Doglio, Pollet, Macri, Morgan and Bergquist

AN ACT Relating to fair housing training for officers or board members in common interest communities; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; and adding a new section to chapter 64.90 RCW.

Referred to Committee on Housing.

HB 1508 by Representatives Macri, Riccelli, Simmons, Fitzgibbon, Berry, Alvarado, Bateman, Ormsby, Doglio, Reed, Callan, Stonier, Tharinger and Bergquist

AN ACT Relating to improving consumer affordability through the health care cost transparency board; amending RCW 70.390.020, 70.390.040, 70.390.050, 70.390.070, 43.71C.030, and 70.405.030; adding new sections to chapter 70.390 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1509 by Representatives Hackney, Doglio, Fitzgibbon, Berry, Ramel, Duerr, Bateman, Paul, Pollet, Macri, Reed and Bergquist

AN ACT Relating to fair access to community solar; amending RCW 80.28.370, 80.28.375, 82.16.182, and 82.16.183; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1510 by Representatives Santos, Chopp, Fitzgibbon and Pollet

AN ACT Relating to establishing permanent funding for community preservation and development authorities approved through RCW 43.167.060; adding a new section to chapter 82.14 RCW; adding a new section to chapter 43.167 RCW; and providing an effective date.

Referred to Committee on Local Government.

HB 1511 by Representatives Reeves, Simmons, Ramel, Leavitt, Rule, Senn, Reed and Fosse

AN ACT Relating to calculation of income for certain early learning and child care programs; amending RCW 43.216.1368, 43.216.505, 43.216.578, and 43.216.578; reenacting and amending RCW 43.216.505; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1512 by Representatives Mosbrucker, Orwall, Simmons, Jacobsen, Leavitt, Rule, Gregerson, Eslick, Graham, Doglio, Reed and Morgan

AN ACT Relating to providing tools and resources for the location and recovery of missing persons; adding a new section to chapter 43.10 RCW; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1513 by Representatives Street, Simmons, Doglio, Pollet, Berry, Gregerson, Ryu, Farivar, Alvarado, Reed, Bateman, Thai, Chopp, Macri, Fitzgibbon, Morgan, Peterson, Santos, Mena, Duerr, Orwall, Ormsby and Fosse

AN ACT Relating to improving traffic safety by addressing compliance, enforcement, and data collection; amending RCW 46.20.349, 46.37.005, 46.37.320, 46.37.365, 46.37.470, 46.64.030, and 46.64.070; adding a new section to chapter 46.64 RCW; adding a new section to chapter 10.118 RCW; and creating new sections.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1514 by Representatives Robertson, Berry, Schmidt, Ormsby, Doglio, Reed and Fosse

AN ACT Relating to the purchase and distribution of insignia to manufacturers of recreational vehicles and/or park trailers; and amending RCW 43.22.350.

Referred to Committee on Labor & Workplace Standards.

HB 1515 by Representatives Macri, Davis, Simmons, Orwall, Taylor, Leavitt, Riccelli, Callan, Farivar, Alvarado, Reed, Fosse, Doglio, Berg, Ryu, Peterson, Fitzgibbon, Bateman, Eslick, Ormsby, Stonier and Tharinger

AN ACT Relating to contracting and procurement requirements for behavioral health services in medical

assistance programs; amending RCW 74.09.871; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1516 by Representatives Thai, Caldier, Entenman, Harris, Farivar, Ryu, Goodman, Reed, Fey, Steele, Ormsby, Ortiz-Self, Hansen, Springer, Bronoske, Slatter, Walen, Wylie, Fitzgibbon, Sandlin, Lekanoff, Senn, Fosse, Doglio, Taylor, Kloba, Peterson, Cortes, Street, Simmons, Ramel, Duerr, Gregerson, Schmidt, Reeves, Pollet, Macri, Riccelli, Morgan and Bergquist

AN ACT Relating to lunar new year; and amending RCW 1.16.050.

Referred to Committee on State Government & Tribal Relations.

HB 1517 by Representatives Reed, Taylor, Ramel, Berg, Peterson, Stonier, Walen, Wylie, Simmons, Fitzgibbon, Chapman, Berry, Slatter, Mena, Barkis, Rule, Duerr, Gregerson, Chambers, Bateman, Cortes, Doglio, Pollet, Low, Fosse and Tharinger

AN ACT Relating to promoting transit-oriented development; amending RCW 36.70A.030, 36.70A.500, 36.70A.620, and 43.21C.229; adding new sections to chapter 47.01 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.32 RCW; and creating a new section.

Referred to Committee on Housing.

HB 1518 by Representatives Barkis, Leavitt, Schmidt, Eslick, Volz and Graham

AN ACT Relating to parking at rest areas; and amending RCW 47.38.020 and 46.55.010.

Referred to Committee on Transportation.

HB 1519 by Representatives Barkis, Bateman, Fitzgibbon, Chapman, Gregerson, Graham, Macri, Reed and Tharinger

AN ACT Relating to local project review; amending RCW 36.70B.020, 36.70B.070, 36.70B.080, 36.70B.140, and 36.70B.160; reenacting and amending RCW 36.70B.110; adding a new section to chapter 36.70B RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1520 by Representatives Mosbrucker, Graham, Caldier, Jacobsen, Schmidt, Eslick and Volz

AN ACT Relating to fentanyl; amending RCW 69.50.4013 and 9.94A.518; reenacting and amending RCW 13.40.0357; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1521 by Representatives Bronoske, Stonier, Wylie, Berry and Pollet

AN ACT Relating to industrial insurance self-insured employer and third-party administrator penalties and duties; amending RCW 51.48.080 and 51.48.017; adding a new section to chapter 51.14 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 1522 by Representatives Pollet, Leavitt, Berry and Macri

AN ACT Relating to addressing sexual misconduct at scholarly or professional associations; amending RCW 28B.112.040 and 28B.112.080; and creating a new section.

Referred to Committee on Postsecondary Education & Workforce.

HB 1523 by Representatives Goehner, Chapman, Dent, Klicker, Volz, Walsh, Schmidt, Ybarra, Couture, Barnard, Connors, Sandlin, Low, Chandler, Corry, Rude, Mosbrucker, Kretz, Steele, Rule, Christian, Jacobsen, McClintock, Eslick and Graham

AN ACT Relating to authorizing an agricultural employer to select any 12 weeks in a calendar year as special circumstance weeks for labor demand, during which in each of the selected 12 weeks, the agricultural employer may employ agricultural employees for up to 50 hours before the requirement to pay overtime applies under RCW 49.46.130; amending RCW 49.46.130; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1524 by Representatives Bronoske, Berry and Pollet

AN ACT Relating to the retainage percentage withheld by prime contractors from subcontractors; and adding new sections to chapter 60.28 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 1525 by Representatives Fosse, Lekanoff, Farivar, Shavers, Thai, Taylor, Hansen, Alvarado, Senn, Hackney, Wylie, Duerr, Leavitt, Berg, Stearns, Peterson, Macri, Berry, Cortes, Low, Schmidt, Stonier, Kloba, Robertson, Gregerson, Riccelli, Doglio, Waters, Cheney, Orwall, Connors, Ybarra, Bronoske, Dent, Morgan, Ramel, Donaghy, Goodman, Ryu, Fey, Reed, Davis, Timmons, Street, Simmons, Fitzgibbon, Christian, Santos, Rule, Abbarno, Sandlin, Chopp, Bateman, Rude, Eslick, Ormsby, Reeves, Barkis, Graham, Pollet, Ortiz-Self, Callan and Bergquist

AN ACT Relating to eligibility for working connections child care benefits for persons participating in state registered apprenticeships; and amending RCW 43.216.136.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1526 by Representatives Fosse, Maycumber, Ramel, Berry, Cortes, Bronoske, Peterson, Slatter, Ormsby, Doglio, Macri, Reed and Riccelli

AN ACT Relating to state electrical inspectors' salaries; and amending RCW 19.28.321.

Referred to Committee on Labor & Workplace Standards.

HB 1527 by Representatives Wylie, Sandlin, Duerr, Barnard, Connors, Chapman, Waters, Springer, Harris and Gregerson

AN ACT Relating to making technical corrections to the local tax increment financing program under chapter 39.114 RCW by applying the definition of real property to ensure private investments made on state and local government-owned land are included in the increment value, ensuring that the relocation and construction of a government-owned facility is included as an eligible project, ensuring that acquisition costs include appurtenant rights, providing clarification to definitions of increment value and tax allocation base value for consistency with current law, clarifying notice requirements for the creation of a tax increment area, and

creating consistency with current law for add-on levies codified in RCW 84.55.010; amending RCW 39.114.010, 39.114.020, 39.114.040, 39.114.050, 84.55.015, 84.55.020, and 84.55.030; and declaring an emergency.

Referred to Committee on Finance.

HJM 4002 by Representatives Harris, Walsh, Waters, Chambers, Caldier, Hutchins, Griffey, Chandler, Volz, Couture, Barkis, Stokesbary, Corry, Jacobsen, Klicker, McClintock, Christian, Barnard, Robertson, Graham, Abbarno, Low, Sandlin and Eslick

Applying for a convention to propose amendments to the United States Constitution relating to fiscal restraints on the federal government, the power and jurisdiction of the federal government, and limit terms of office for federal officials and for members of congress.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bills 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 fifth order of business.

#### REPORTS OF STANDING COMMITTEES

January 19, 2023

HB 1006 Prime Sponsor, Representative Orwall: Expanding access to drug testing equipment. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

January 19, 2023

HB 1018 Prime Sponsor, Representative Tharinger: Changing the expiration date for the sales and use tax exemption of hog fuel to comply with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

January 19, 2023

HB 1026 Prime Sponsor, Representative Walen: Concerning local government design review. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member;

Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

January 19, 2023

HB 1028 Prime Sponsor, Representative Orwall: Supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

January 19, 2023

HB 1042 Prime Sponsor, Representative Walen: Concerning the use of existing buildings for residential purposes. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

January 19, 2023

HB 1059 Prime Sponsor, Representative Walen: Protecting minors from sexual exploitation. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

January 19, 2023

HB 1070 Prime Sponsor, Representative Connors: Exempting the sale and leaseback of property by a seller from the residential landlord-tenant act when the seller agrees to a written lease at closing. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1082

Prime Sponsor, Representative Simmons: Expanding opportunities for physical therapy and occupational therapy professionals to form professional service corporations. Reported by Committee on Consumer Protection & Business

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

Referred to Committee on Rules for second reading

January 19, 2023

HB 1087

Prime Sponsor, Representative Peterson: Concerning solitary confinement. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representative Graham.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

January 19, 2023

HB 1101

Prime Sponsor, Representative Taylor: Providing for tenant screening in common interest communities. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1120

Prime Sponsor, Representative Reeves: Concerning the best interest standard for annuity transactions. Reported by Committee on Consumer Protection & Business

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

MINORITY recommendation: Without recommendation. Signed by Representative Santos.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1142

Prime Sponsor, Representative Hansen: Increasing tenure-track faculty at the public baccalaureate institutions. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Klicker; Leavitt; McEntire; Pollet; Schmidt and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen.

Referred to Committee on Appropriations

January 19, 2023

HB 1199

Prime Sponsor, Representative Senn: Addressing licensed child care in common interest communities. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1261

Prime Sponsor, Representative Walen: Concerning cost sharing for diagnostic and supplemental breast examinations. Reported by Committee on Health Care & Wellness

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

MINORITY recommendation: Do not pass. Signed by Representative Schmick, Ranking Minority Member.

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 adjourned until 9:55 a.m., Tuesday, January 24, 2023, the 16th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SIXTEENTH DAY

House Chamber, Olympia, Tuesday, January 24, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1528 by Representatives Bateman, Simmons, Morgan, Riccelli, Pollet and Macri

AN ACT Relating to adult protective services; and amending RCW 74.34.020, 74.34.063, 74.34.095, and 68.50.105.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1529 by Representatives Stearns, Schmick, Robertson, Stokesbary, Peterson, Riccelli, Bergquist and Kloba

AN ACT Relating to providing supplementary funding to support horse racing and the recreational use of horses in Washington; amending RCW 67.16.050 and 67.16.280; adding a new section to chapter 82.08 RCW; adding a new section to chapter 67.16 RCW; repealing RCW 67.16.105; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1530 by Representatives Cortes, Mena, Simmons, Ryu, Davis and Fosse

AN ACT Relating to expanding eligibility for employment to lawful permanent residents for positions with general authority Washington law enforcement agencies, limited authority Washington law enforcement agencies, and prosecuting attorney offices; amending RCW 36.27.040; and adding a new section to chapter 10.93 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1531 by Representatives Dent, Orwall, Christian, Volz and Eslick

AN ACT Relating to promoting economic development of the aerospace industry through a committee empowered to advise on industry issues other than the siting of commercial airports; adding a new section to chapter 43.330 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1532 by Representatives Doglio and Duerr

AN ACT Relating to requiring the use of a turn signal to indicate that a vehicle is about to exit a circular intersection; and amending RCW 46.61.305.

Referred to Committee on Transportation.

HB 1533 by Representatives Mena, Davis, Reed, Doglio, Fosse, Berg, Taylor, Ryu, Peterson, Berry, Walen, Alvarado, Ramel, Simmons, Griffey, Morgan, Gregerson, Shavers, Ormsby, Pollet, Fey, Kloba, Bateman and Macri

AN ACT Relating to exempting the disclosure of certain information of agency employees or their dependents who are survivors of domestic violence, sexual assault, harassment, or stalking; amending RCW 42.56.250; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1534 by Representatives Orwall, Berry and Fosse

AN ACT Relating to strengthening protections for consumers in the construction industry; amending RCW 18.27.010, 18.27.030, 18.27.040, 18.27.340, 18.27.400, and 51.44.190; reenacting and amending RCW 43.79A.040; adding new sections to chapter 18.27 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1535 by Representatives Corry, Abbarno, Stokesbary, Robertson, McClintock, Couture, Goehner, Connors, Griffey, Schmick, Christian, Jacobsen, Schmidt, Volz, Chambers, Eslick, Cheney, Hutchins, Barkis, Graham, Rude, Klicker and Walsh

AN ACT Relating to increasing legislative involvement in gubernatorial proclamations relating to a state of emergency; amending RCW 43.06.210 and 43.06.220; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1536 by Representatives Timmons, Harris, Bergquist, Ortiz-Self, Walen, Ramel, Morgan, Stonier, Gregerson, Ormsby and Paul

AN ACT Relating to requirements governing the withholding of high school diplomas; and amending RCW 28A.635.060.

Referred to Committee on Education.

HB 1537 by Representatives Couture, Griffey, Abbarno, Christian, Schmidt, Volz, Chambers, Eslick and Walsh

AN ACT Relating to licensing requirements for child care centers and indoor early learning programs; and amending RCW 43.216.250 and 43.216.255.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1538 by Representatives Griffey, Couture, Walsh, Goehner and Jacobsen

AN ACT Relating to special purpose district malfeasance; amending RCW 36.27.020; adding a new section to chapter 36.96 RCW; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1539 by Representatives Senn, Hutchins, Tharinger, Simmons, Kloba, Doglio, Bateman and Leavitt

AN ACT Relating to expediting private vocational licenses for entities offering training for workers to contribute to adding affordable housing to the state; amending RCW 28C.10.060; and creating a new section.

Referred to Committee on Postsecondary Education & Workforce.

HB 1540 by Representatives Hutchins, Timmons, Low, Cheney, Cortes, Bronoske, Couture, Griffey, Donaghy, Robertson, Barkis, Simmons, Reed, Klicker, Riccelli, Doglio, Berry, Ramel, Paul, Graham and Rule

AN ACT Relating to requiring driver training curriculum to include instruction on sharing the road with large vehicles, including commercial motor vehicles and buses; amending RCW 46.82.420; and providing an effective date.

Referred to Committee on Transportation.

HB 1541 by Representatives Farivar, Couture, Mena, Pollet, Taylor, Ortiz-Self, Street, Thai, Reed, Waters, Fosse, Caldier, Simmons, Davis, Alvarado, Schmidt, Ryu, Griffey, Ramel, Barnard, Orwall, Hackney, Bergquist, Walen, Berry, Tharinger, Peterson, Goodman, Volz, Eslick, Stonier, Gregerson, Riccelli, Ormsby, Kloba, Doglio, Bateman, Macri and Duerr

AN ACT Relating to increasing access and representation in policy-making processes for people with direct lived experience; adding a new section to chapter 43.06D RCW; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1542 by Representatives Bronoske, Fosse, Berry, Hackney, Abbarno, Griffey, Walsh, Ortiz-Self, Taylor, Ramel, Simmons, Jacobsen, Schmidt, Graham, Ormsby, Pollet, Kloba, Doglio, Bateman, Macri, Leavitt and Timmons

AN ACT Relating to requiring automated external defibrillators to be available and accessible when work is being performed on high voltage lines and equipment; adding a new section to chapter 49.17 RCW; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1543 by Representatives Dye, Kretz, Springer, Graham, Eslick, Mosbrucker, Chapman, Ryu, Wylie, Klicker, Couture and Davis

AN ACT Relating to establishing a wild horse holding and training program at Coyote Ridge corrections center; and creating new sections.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1544 by Representatives Alvarado, Tharinger, Pollet and Duerr

AN ACT Relating to shoreline master program review schedules; amending RCW 90.58.080 and 90.58.080; providing an effective date; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1545 by Representatives Caldier, Hutchins, Christian, Jacobsen, Volz, Eslick and Graham

AN ACT Relating to prohibiting institutions of higher education from imposing vaccine or immunization mandates on online-only students; adding a new section to chapter 70.54 RCW; and declaring an emergency.

Referred to Committee on Postsecondary Education & Workforce.

HB 1546 by Representatives Caldier, Jacobsen and Hutchins

AN ACT Relating to enacting the good faith pain act; adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.79 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1547 by Representatives Caldier, Christian, Volz, Eslick, Hutchins and Graham

AN ACT Relating to increasing the health care workforce by authorizing out-of-state providers to practice immediately; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care & Wellness.

HB 1548 by Representatives Ormsby, Walsh, Berry, Robertson, Ryu, Chambers, Chandler, Waters, Bronoske, Cheney, Chopp, Low, Stonier, Eslick, Gregerson, Griffey, Fosse, Volz, Peterson, Couture, Leavitt, Rude, Ramel, Christian, Mena, Harris, Street, Graham, Goodman, Fey, Cortes, Pollet, Taylor, Berg, Lekanoff, Riccelli, Ortiz-Self, Simmons, Paul, Shavers, Rule, Bergquist, Davis, Kloba, Doglio, Schmidt, Macri, Santos, Timmons and Duerr

AN ACT Relating to safeguarding the public safety by protecting railroad workers; adding a new chapter to Title 49 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1549 by Representatives Stonier, Taylor, Pollet and Duerr

AN ACT Relating to increasing the AP course options that public school students may select from to meet graduation pathway requirements; and amending RCW 28A.655.250.

Referred to Committee on Education.

HB 1550 by Representatives Santos, Senn, Ortiz-Self, Berry, Goodman, Ramel, Simmons, Stonier, Bergquist, Pollet, Fosse and Doglio

AN ACT Relating to assisting eligible children in need of additional preparation to be successful in kindergarten by replacing transitional kindergarten with a legislatively established and authorized transition to kindergarten program; amending RCW 28A.225.160, 43.216.085, and 43.216.655; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 43.216 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 1551 by Representatives Pollet, Doglio, Fitzgibbon, Berry, Gregerson, Fosse and Bateman

AN ACT Relating to reducing lead in cookware; amending RCW 43.21B.110 and 43.21B.300; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1552 by Representatives Reeves, Ramel, Springer, Gregerson, Fosse and Doglio

AN ACT Relating to directing the state conservation commission to conduct a study of urban agricultural opportunities and barriers in the state; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture and Natural Resources.

HB 1553 by Representatives Street, Slatter, Fitzgibbon, Ortiz-Self, Berry, Walen, Thai, Taylor, Ramel, Ormsby, Pollet, Doglio and Macri

AN ACT Relating to providing for responsible environmental management of batteries; amending RCW 43.21B.110 and 43.21B.300; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment & Energy.

HB 1554 by Representatives Doglio, Pollet, Fitzgibbon, Berry, Ramel, Orwall, Ryu, Fosse, Kloba, Macri and Duerr

AN ACT Relating to reducing public health and environmental impacts from lead; amending RCW 43.21B.110 and 43.21B.300; adding a new section to chapter 43.70 RCW; adding a new section to chapter 70A.15 RCW; adding a new chapter to Title 70A RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1555 by Representatives Lekanoff, Goodman, Pollet, Davis and Doglio

AN ACT Relating to extradition of persons to and from Indian jurisdiction; and adding a new section to chapter 10.31 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1556 by Representatives Berg, Thai, Ramel, Reed, Farivar, Berry, Doglio, Senn, Taylor, Fosse, Cortes, Lekanoff, Peterson, Simmons, Gregerson, Pollet, Bateman and Santos

AN ACT Relating to property tax rebates for homeowners and renters; amending RCW 82.03.190; adding a new title to the Revised Code of Washington to be codified as Title 84A RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Finance.

HB 1557 by Representatives Santos, Corry, Walen, Orcutt, Chapman, Springer, Connors, Ryu, Reeves, McClintock, Cheney and Stokesbary

AN ACT Relating to classification of digital processing services; amending RCW 82.08.0208 and 82.12.0208; and creating new sections.

Referred to Committee on Finance.

HB 1558 by Representatives Cheney, Fosse, Berry and Schmidt

AN ACT Relating to creating a separate fund for the purposes of self-insured pensions and assessments; amending RCW 43.84.092, 43.84.092, 51.16.120, 51.32.242, 51.44.070, 51.44.073, 51.44.080, 51.44.100, 51.44.115, 51.44.140, 51.44.142, and 51.44.160; adding a new section to chapter 51.44 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1559 by Representatives Entenman, Fitzgibbon, Stonier, Paul, Riccelli, Bergquist, Pollet and Leavitt

AN ACT Relating to the student basic needs at public postsecondary institutions act; adding a new section to chapter 28B.10 RCW; adding new sections to chapter 28B.50 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Postsecondary Education & Workforce.

HB 1560 by Representatives Shavers, Leavitt, Senn, Ramel, Springer, Paul, Stonier, Pollet and Timmons

AN ACT Relating to providing property tax relief by expanding eligibility for the senior citizen and disabled veterans' property tax exemption program; amending RCW 84.36.383, 84.36.385, and 84.38.020; adding a new section to chapter 84.36 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

HB 1561 by Representatives Jacobsen, Griffey, Schmidt, Riccelli, Eslick and Ryu

AN ACT Relating to increasing the public utility tax exemption threshold and annually adjusting the threshold for inflation; amending RCW 82.16.040; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1562 by Representatives Thai, Lekanoff, Taylor, Berry, Ryu, Reed, Kloba, Entenman, Walen, Doglio, Davis, Wylie, Ramel, Ormsby, Pollet and Duerr

AN ACT Relating to reducing the risks of lethality and other harm associated with gun violence, gender-based violence, and other types of violence by clarifying and updating laws relating to the unlawful possession of firearms and restoration of firearm rights; amending RCW 9.41.040, 9.41.047, 9.41.042, 13.40.160, 13.40.193, 13.40.265, 70.02.230, and 70.02.240; reenacting and amending RCW 9.41.010 and 13.40.0357; adding a new section to chapter 9.41 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1563 by Representatives Kloba, Simmons, Cheney, Peterson, Ramel, Ormsby, Reeves, Reed, Macri, Fitzgibbon, Gregerson, Rude and Wylie

AN ACT Relating to arrest protections for the medical use of cannabis; amending RCW 69.51A.040, 69.51A.055, and 69.51A.060; and repealing RCW 69.51A.043.

Referred to Committee on Regulated Substances & Gaming.

HB 1564 by Representatives Mosbrucker, Orwall, Chambers, Graham, Rude and Rule

AN ACT Relating to prohibiting the sale of over-the-counter sexual assault kits; adding a new section to chapter 5.70 RCW; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

HJR 4205 by Representatives Berg, Thai, Ramel, Reed, Farivar, Fosse, Lekanoff, Cortes, Pollet and Santos

Concerning property tax rebates.

Referred to Committee on Finance.

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 20, 2023

HB 1001 Prime Sponsor, Representative Leavitt: Concerning the audiology and speech-language pathology interstate compact. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1021 Prime Sponsor, Representative Thai: Aligning social worker licensing requirements. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1022 Prime Sponsor, Representative Chapman: Providing additional support and services for veterans' assistance and for persons with developmental disabilities or mental health needs. Reported by Committee on Local Government

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

MINORITY recommendation: Do not pass. Signed by Representative Jacobsen, Assistant Ranking Minority Member.

Referred to Committee on Finance

January 20, 2023

HB 1037 Prime Sponsor, Representative Walsh: Concerning family burial grounds. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1039 Prime Sponsor, Representative Macri: Concerning physical therapists performing intramuscular needling. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

January 20, 2023

HB 1048 Prime Sponsor, Representative Mena: Enhancing the Washington voting rights act. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1086 Prime Sponsor, Representative Shavers: Increasing local governments' ability to contract with community service organizations. Reported by Committee on Local Government

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

MINORITY recommendation: Without recommendation. Signed by Representative Griffey.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1098 Prime Sponsor, Representative Walen: Concerning the duty of clergy to report child abuse or neglect. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by



Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Dent; and Walsh.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1099 Prime Sponsor, Representative Berry: Requiring certain wages in public works contracts to be at least the prevailing wage in effect when the work is performed. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Capital Budget

January 20, 2023

HB 1100 Prime Sponsor, Representative Schmick: Concerning the disposition of the remains of a county resident who dies indigent in an adjacent county outside of Washington. Reported by Committee on Local Government

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

Referred to Committee on Rules for second reading

January 19, 2023

HB 1103 Prime Sponsor, Representative Fey: Avoiding interest arbitrage charges on bond proceeds in the capital vessel replacement account. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Walsh and Wylie.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1106 Prime Sponsor, Representative Fosse: Concerning qualifications for unemployment insurance when an individual voluntarily leaves work. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1107 Prime Sponsor, Representative Fosse: Concerning removing the terms "master" and "servant" from Titles 50 and 50A. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1122 Prime Sponsor, Representative Doglio: Granting Washington management service employees the right to collectively bargain. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

January 20, 2023

HB 1135 Prime Sponsor, Representative Slatter: Authorizing impact fee revenue to fund improvements to bicycle and pedestrian facilities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1165 Prime Sponsor, Representative Orwall: Concerning civil remedies for unauthorized disclosure of intimate images. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1168 Prime Sponsor, Representative Simmons: Providing prevention services, diagnoses, treatment, and support for prenatal substance exposure. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Appropriations

January 20, 2023

HB 1231 Prime Sponsor, Representative Berg: Accelerating rural job growth and promoting economic recovery across Washington through site readiness grants. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Barnard, Assistant Ranking Minority Member; Chambers; Corry; Cortes; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Capital Budget

January 20, 2023

HB 1243 Prime Sponsor, Representative Dent: Concerning municipal airport commissions. Reported by Committee on Local Government

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

MINORITY recommendation: Without recommendation. Signed by Representative Griffey.

Referred to Committee on Rules for second reading

January 20, 2023

HB 1258 Prime Sponsor, Representative Ryu: Increasing tourism to Washington state through enhancement of the statewide tourism marketing account and changing necessary match requirements. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Barnard, Assistant Ranking Minority Member; Chambers; Corry; Cortes; Senn; Shavers; Street; Waters and Ybarra.

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 eighth order of business.

### MOTIONS

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

HOUSE BILL NO. 1026  
HOUSE BILL NO. 1027  
HOUSE BILL NO. 1046  
HOUSE BILL NO. 1070  
HOUSE BILL NO. 1082  
HOUSE BILL NO. 1101  
HOUSE BILL NO. 1179  
HOUSE BILL NO. 1199

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

HOUSE BILL NO. 1017  
HOUSE BILL NO. 1030  
HOUSE BILL NO. 1031  
HOUSE BILL NO. 1102

There being no objection, the House adjourned until 10:30 a.m., Wednesday, January 25, 2023, the 17th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SEVENTEENTH DAY

House Chamber, Olympia, Wednesday, January 25, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall 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 Kellyanna Brooking and Charles Winkler. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Genjo Yorke from the Olympia Zen Center.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4606**, by Representatives Leavitt, Orwall, Ryu, Mena, Rule, Simmons, Cortes, Bronoske, Callan, Gregerson, Slatter, Paul, Chambers, Doglio, Reeves, Macri, Ortiz-Self, and Davis

WHEREAS, Director Lourdes E. Alvarado-Ramos served for 22 years defending our nation and achieving the rank of Command Sergeant Major at Madigan Army Medical Center and Troop Command at Joint Base Lewis-McChord; and

WHEREAS, Command Sergeant Major Alvarado-Ramos served with distinction, being awarded the Legion of Merit, Order of Military Medical Merit, Expert Field Medical Badge, and Meritorious Service Medals; and

WHEREAS, Director Alvarado-Ramos sought knowledge and skill with education from Harvard University's John F. Kennedy School of Government Executive Program, the University of Washington's Executive Management Program, and holds a Master's Degree in Health Care Administration; and

WHEREAS, Director Alvarado-Ramos continued to serve her community and her state on Governor Jay Inslee's Executive Cabinet and as the Chair of the Washington Military Transition Council; and

WHEREAS, Director Alvarado-Ramos continued to serve her country as the President of the National Association of State Directors of Veterans Affairs and on the board of directors for the National Association of State Veterans Homes; and

WHEREAS, Director Alvarado-Ramos served our state in the Washington Department of Veteran's Affairs since 1993 and was appointed to the governor's cabinet in 2013; and

WHEREAS, In her time as Director, she has tirelessly worked to help servicemembers struggling with mental health concerns and to support suicide prevention; and

WHEREAS, In 2014, she spearheaded the Washington Goes to the Dogs Summit to connect veterans and providers to healing and service opportunities; and

WHEREAS, Director Alvarado-Ramos established the position of Traumatic Brain Injury Coordinator in partnership with the TBI Council to educate the community, provide peer-to-peer mentorship, and connect veterans with TBI to VA and community resources; and

WHEREAS, Under Director Alvarado-Ramos' leadership, new programs and services were established to meet the needs of Washington's veterans and their families, including opening the new State Veterans Home in Walla Walla in 2017 and creating new programs to serve military spouses and LGBTQ+ veterans. She was also heavily involved with the Veteran Employee Resource Group or VERG; and

WHEREAS, Director Alvarado-Ramos is a multiyear recipient of the VA Pillar of Excellence Award, winning for her work on Homelessness in 2014, Military Transition Council in

2015, Incarcerated Veterans Program in 2016, Community Partnership in 2017, and the Veterans Corps Program in 2018; and

WHEREAS, Director Alvarado-Ramos' compassion, dedication, and mentorship have prepared a generation of leaders and public servants to carry on her legacy; and

WHEREAS, Director Alvarado-Ramos, known to her community as Alfie, has not once allowed her commitment to servicemembers past and present to falter in all those years of service;

NOW, THEREFORE, BE IT RESOLVED, That on behalf of the people of the state, and more specifically the more than 520,000 veterans who call Washington home, the House of Representatives express its deep gratitude to Director Alvarado-Ramos, and is honored by the awesome legacy of service and dedication she leaves behind.

HOUSE RESOLUTION NO. 4606 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) recognized Director Alvarado-Ramos and asked the chamber to acknowledge her.

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

## INTRODUCTION &amp; FIRST READING

HB 1565 by Representatives Ortiz-Self, Santos, Berry, Simmons, Reeves, Fey, Ryu, Alvarado, Bronoske, Goodman, Gregerson, Doglio, Paul, Peterson, Lekanoff, Ramel, Bergquist, Reed, Pollet, Timmons and Macri

AN ACT Relating to supporting and strengthening the professional education workforce through recruitment, residency, research, and retention strategies; amending RCW 28A.415.265, 28A.655.210, 28A.300.507, 28A.410.300, and 28A.410.210; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28B.102 RCW; adding a new section to chapter 28A.655 RCW; adding a new chapter to Title 28A RCW; creating new sections; and providing expiration dates.

Referred to Committee on Education.

HB 1566 by Representatives Bateman, Doglio, Reeves, Leavitt, Peterson, Lekanoff, Reed and Pollet

AN ACT Relating to vacation leave accrual for state employees; amending RCW 43.01.044, 41.40.010, 43.43.120, and 43.01.041; and reenacting and amending RCW 43.01.040.

Referred to Committee on Labor & Workplace Standards.

HB 1567 by Representatives Gregerson, Lekanoff, Jacobsen, Doglio and Reed

AN ACT Relating to commissioning a study on conservation district election costs under Title 29A RCW; creating a new section; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

HB 1568 by Representatives Chambers, Tharinger, Schmick, Leavitt, Harris, Klicker, Schmidt, Caldier, Bateman, Christian, Doglio, Lekanoff, Pollet and Macri

AN ACT Relating to the credentialing of certified health care professionals providing long-term care services; amending RCW 18.88B.021, 18.88B.031, 18.88B.041, 18.88A.130, 18.88B.035, 74.39A.074, and 74.39A.056; adding a new section to chapter 18.88B RCW; creating new sections; and providing expiration dates.

Referred to Committee on Postsecondary Education & Workforce.

HB 1569 by Representatives Leavitt and McEntire

AN ACT Relating to protecting unit owners in common interest communities; amending RCW 64.90.080, 64.90.495, 64.32.170, 64.34.372, 64.38.045, 64.90.405, 64.32.090, 64.34.304, and 64.38.020; adding a new section to chapter 64.90 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; and creating a new section.

Referred to Committee on Housing.

HB 1570 by Representatives Berry, Ryu, Alvarado, Bateman, Fitzgibbon, Ramel, Doglio, Lekanoff, Reed, Pollet, Macri and Fosse

AN ACT Relating to social insurance programs managed by the employment security department applicable to transportation network companies, transportation network company drivers, and part-time work; amending RCW 50.29.021 and 50A.25.040; adding a new section to chapter 50.04 RCW; adding a new section to chapter 46.72B RCW; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

HB 1571 by Representatives Tharinger, Harris, Schmick, Leavitt, Caldier, Bateman, Taylor, Stokesbary, Lekanoff, Chapman, Pollet and Macri

AN ACT Relating to nursing facility rates; amending RCW 74.46.501 and 74.46.561; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1572 by Representatives Springer and Orcutt

AN ACT Relating to venue for actions for the recovery of taxes; amending RCW 84.68.050; and creating new sections.

Referred to Committee on Civil Rights & Judiciary.

HB 1573 by Representatives Rule, Corry, Timmons, Leavitt, Walen, Shavers, Lekanoff, Chapman, Dye, Springer, Reeves, Barnard, Eslick and Sandlin

AN ACT Relating to extending tax preferences for dairy, fruit and vegetable, and seafood processors; amending RCW 82.04.4268, 82.04.4266, 82.04.4269, and 82.04.260; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

HB 1574 by Representatives Rule, Duerr, Dye, Doglio, Walsh, Lekanoff, Chapman, Berry, Springer, Reeves, Schmidt, Barnard, Eslick, Ramel, Peterson, Sandlin and Reed

AN ACT Relating to supporting Washington agriculture by capturing methane and reducing greenhouse gas emissions;

amending RCW 89.08.610 and 89.08.615; and creating a new section.

Referred to Committee on Agriculture and Natural Resources.

HB 1575 by Representatives Reed, Berry, Berg, Taylor, Farivar, Stonier, Peterson, Senn, Doglio, Cortes, Ryu, Fosse, Springer, Bateman, Goodman, Ramel, Bergquist and Pollet

AN ACT Relating to modifying the sales and use tax for cultural access programs by allowing the tax to be imposed by a councilmanic or commission authority and defining timelines and priorities for action; amending RCW 82.14.525; and creating a new section.

Referred to Committee on Local Government.

HB 1576 by Representatives Caldier, Schmidt, Leavitt and Volz

AN ACT Relating to the dentist and dental hygienist compact; adding a new chapter to Title 18 RCW; and providing a contingent effective date.

Referred to Committee on Postsecondary Education & Workforce.

HB 1577 by Representative Schmick

AN ACT Relating to municipal officers' beneficial interest in contracts; and amending RCW 42.23.030.

Referred to Committee on Local Government.

HB 1578 by Representatives Springer, Kretz, Reeves, Leavitt, Ramel, Lekanoff, Reed, Pollet and Kloba

AN ACT Relating to improving community preparedness, response, recovery, and resilience to wildland fire health and safety impacts in areas of increasing population density, including in the wildland urban interface; adding a new section to chapter 76.04 RCW; and creating new sections.

Referred to Committee on Agriculture and Natural Resources.

HB 1579 by Representatives Stonier, Bateman, Lekanoff, Reed, Pollet and Macri

AN ACT Relating to establishing a mechanism for independent prosecutions within the office of the attorney general of criminal conduct arising from police use of force; amending RCW 43.10.232, 43.10.234, 36.27.030, 36.27.040, and 43.102.080; adding a new section to chapter 43.10 RCW; adding a new section to chapter 36.27 RCW; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1580 by Representatives Callan, Harris, Senn, Eslick, Dent, Ortiz-Self, Simmons, Leavitt, Ryu, Berry, Taylor, Walen, Bateman, Bronoske, Goodman, Ormsby, Schmidt, Orwall, Gregerson, Thai, Doglio, Lekanoff, Ramel, Rule, Reed, Pollet, Timmons and Macri

AN ACT Relating to creating a system to support children in crisis; adding a new section to chapter 43.216 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1581 by Representatives Wylie, Kloba, Reeves and Ramel

AN ACT Relating to establishing a Washington state cannabis commission; amending RCW 41.06.070; adding a new

section to chapter 69.50 RCW; and adding a new chapter to Title 15 RCW.

Referred to Committee on Regulated Substances & Gaming.

HB 1582 by Representatives Ryu, Fey, Fitzgibbon, Doglio, Reed, Berry, Alvarado, Ramel, Macri and Kloba

AN ACT Relating to prohibiting drivers from making a right turn within proximity of certain facilities; adding a new section to chapter 46.61 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

HB 1583 by Representatives Eslick, Davis, Dye, Callan, Barkis, Macri, Graham, Orwall, Volz, Riccelli, Low, Couture, Dent, Senn, Thai, Schmidt, Leavitt, Walen, Bateman, Christian, Ormsby, Ramel, Doglio, Paul, Reed, Pollet and Kloba

AN ACT Relating to addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists; amending RCW 18.130.040, 18.130.175, and 43.43.842; adding new sections to chapter 71.24 RCW; adding a new chapter to Title 18 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1584 by Representatives Barnard, Fitzgibbon, Dye, Donaghy, Lekanoff, Slatter, Ybarra, Couture, Fey, Ryu, Riccelli, Berry, Schmidt, Sandlin and Timmons

AN ACT Relating to planning for advanced nuclear reactor technology in Washington; amending RCW 43.21F.088; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1585 by Representatives Cortes, Springer, Ryu, Rule, Senn, Taylor, Doglio, Lekanoff and Macri

AN ACT Relating to local infrastructure project areas; and amending RCW 39.108.120, 84.55.010, 84.55.015, 84.55.020, 84.55.030, 84.55.120, and 39.108.010.

Referred to Committee on Local Government.

HB 1586 by Representatives Goodman, Doglio, Lekanoff and Pollet

AN ACT Relating to requiring the criminal justice training commission to establish a work group and grant program related to vehicular pursuits; adding new sections to chapter 43.101 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1587 by Representatives Shavers and Lekanoff

AN ACT Relating to a spirits tax exemption on spirits purchased on military bases for use as fund-raising prizes by veterans' service organizations; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Regulated Substances & Gaming.

HB 1588 by Representatives Bronoske and Reed

AN ACT Relating to ambulance personnel requirements; and amending RCW 18.73.150.

Referred to Committee on Health Care & Wellness.

HB 1589 by Representatives Doglio, Fitzgibbon, Berry, Alvarado, Bateman, Ramel, Peterson, Lekanoff, Hackney, Macri and Kloba

AN ACT Relating to supporting Washington's clean energy economy and transitioning to a clean, affordable, and reliable energy future; amending RCW 80.28.010; adding a new chapter to Title 80 RCW; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1590 by Representatives Dent, Eslick and Caldier

AN ACT Relating to the membership and subcommittees of the oversight board for children, youth, and families; and amending RCW 43.216.015.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1591 by Representatives Orwall, Taylor, Goodman, Stearns and Lekanoff

AN ACT Relating to open adoption agreements; amending RCW 13.34.136, 13.34.200, 26.33.160, 26.33.390, and 74.14B.010; reenacting and amending RCW 13.34.030; adding new sections to chapter 13.34 RCW; adding a new section to chapter 74.13 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1592 by Representatives Mena, Gregerson, Ramel, Fitzgibbon, Simmons, Walen, Bateman, Ormsby, Thai, Slatter, Ortiz-Self, Chapman, Doglio, Goodman, Cortes, Paul, Peterson, Lekanoff, Reed, Pollet and Macri

AN ACT Relating to using ranked choice voting in the presidential primary; amending RCW 29A.56.040, 29A.56.050, and 29A.12.080; and adding a new section to chapter 29A.56 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1593 by Representatives Macri, Bronoske, Berry, Simmons, Reeves, Bateman, Ramel, Doglio, Lekanoff, Reed, Callan and Fosse

AN ACT Relating to industrial insurance coverage for posttraumatic stress disorders affecting registered nurses; amending RCW 51.08.142; adding a new section to chapter 51.32 RCW; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1594 by Representatives Goehner and Springer

AN ACT Relating to allowing certain types of maintenance experience to substitute for work experience required to be eligible to take the examination for the residential maintenance specialty electrician certificate; and amending RCW 19.28.191.

Referred to Committee on Labor & Workplace Standards.

HB 1595 by Representatives Chambers and Robertson

AN ACT Relating to modifying the cannabis excise tax; and amending RCW 69.50.535.

Referred to Committee on Regulated Substances & Gaming.

HB 1596 by Representatives Kloba, Bateman, Goodman, Springer, Reed, Ryu, Reeves, Ramel, Doglio, Pollet and Hackney

AN ACT Relating to providing local governments with options to increase affordable housing in their communities; adding a new chapter to Title 84 RCW; and creating a new section.

Referred to Committee on Local Government.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, except for House Bill 1579 and House Bill 1586 which were referred to Community Safety, Justice & Reentry.

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

#### REPORTS OF STANDING COMMITTEES

January 23, 2023

HB 1175 Prime Sponsor, Representative Doglio: Creating a state financial assurance program for petroleum underground storage tanks. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representative Couture.

Referred to Committee on Appropriations

January 23, 2023

HB 1213 Prime Sponsor, Representative Ybarra: Concerning compliance with labeling requirements for wipes. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Rules for second reading

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 sixth order of business.

#### SECOND READING

**HOUSE BILL NO. 1046, by Representatives Walen, Leavitt, Ryu, Bateman, Peterson, Doglio, Reeves, Wylie, Bergquist, Springer, Kloba, Santos and Ormsby**

**Expanding housing supply by supporting the ability of public housing authorities to finance affordable housing developments by rebenchmarking area median income limits.**

The bill was read the second time.

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

Representatives Walen and Klicker spoke in favor of the passage of the bill.

#### MOTIONS

On motion of Representative Robertson, Representative Waters was excused.

On motion of Representative Ramel, Representative Thai was excused.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1046.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1046, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Thai and Waters

HOUSE BILL NO. 1046, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1199, by Representatives Senn, Eslick, Leavitt, Berry, Bateman, Kloba, Reed, Simmons, Tharinger, Ramel, Doglio, Goodman, Macri, Callan, Fosse and Pollet**

**Addressing licensed child care in common interest communities.**

The bill was read the second time.

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

Representatives Senn and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1199.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1199, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy,

Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Thai and Waters

HOUSE BILL NO. 1199, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1070, by Representatives Connors, Reeves, Hutchins, Schmidt, Peterson, Christian, Rude, Klicker, Barkis and Walsh**

**Exempting the sale and leaseback of property by a seller from the residential landlord-tenant act when the seller agrees to a written lease at closing.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1070 was substituted for House Bill No. 1070 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1070 was read the second time.

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

Representatives Connors and Peterson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1070.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1070, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Thai and Waters

SUBSTITUTE HOUSE BILL NO. 1070, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Barnard congratulated Representative Connors on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1082, by Representatives Simmons, Jacobsen, Goodman, Springer, Santos and Ormsby**

**Expanding opportunities for physical therapy and occupational therapy professionals to form professional service corporations.**

The bill was read the second time.

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

Representatives Simmons and Jacobsen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1082.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1082, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Thai and Waters

HOUSE BILL NO. 1082, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1102, by Representatives Taylor and Timmons**

**Concerning judge pro tempore compensation.**

The bill was read the second time.

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

Representatives Taylor and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1102.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1102, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena,

Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Thai and Waters

HOUSE BILL NO. 1102, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1017, by Representatives Ryu, Leavitt, Chambers, Simmons, Jacobsen, Reed, Graham, Lekanoff, Caldier, Timmons, Reeves, Tharinger, Springer, Thai, Santos and Riccelli**

**Expediting licensure for cosmetologists, hair designers, barbers, manicurists, and estheticians.**

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1017.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1017, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Thai and Waters

HOUSE BILL NO. 1017, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Thursday, January 26, 2023, the 18th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk



## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## EIGHTEENTH DAY

House Chamber, Olympia, Thursday, January 26, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Page Steven Benson and Lilian Farr. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia.

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**

Thursday, January 26, 2023

Mme. Speaker:

The Senate has passed:

SENATE BILL NO. 5003  
SENATE BILL NO. 5004  
SENATE BILL NO. 5089  
SUBSTITUTE SENATE BILL NO. 5156

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**INTRODUCTION & FIRST READING**HB 1597 by Representatives Springer, Walen and Tharinger

AN ACT Relating to limiting frivolous claims by modifying administrative and judicial review processes for public records request responses; and amending RCW 42.56.520 and 42.56.550.

Referred to Committee on State Government & Tribal Relations.

HB 1598 by Representatives Hackney, Bergquist, Simmons, Mena, Walen, Gregerson, Alvarado, Macri, Pollet, Doglio and Reed

AN ACT Relating to jury diversity; amending RCW 2.36.150, 2.36.095, and 2.36.054; adding a new section to chapter 2.36 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

HB 1599 by Representatives Goodman, Berry, Ramel and Pollet

AN ACT Relating to court files and records exemptions for firearm background checks; and amending RCW 71.05.620.

Referred to Committee on Civil Rights & Judiciary.

HB 1600 by Representatives Goodman, Berry, Ramel and Pollet

AN ACT Relating to providing access to sealed juvenile records for firearm purposes; and amending RCW 13.50.260.

Referred to Committee on Civil Rights & Judiciary.

HB 1601 by Representatives Graham, Corry, Sandlin, McEntire, Schmidt, Mosbrucker, Volz, Christian, Eslick and McClintock

AN ACT Relating to parental rights; amending RCW 18.130.180; adding new sections to chapter 28A.150 RCW; adding a new chapter to Title 26 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1602 by Representatives Graham, Sandlin, McEntire, Schmidt, Mosbrucker, Volz, Christian and Eslick

AN ACT Relating to intercepting, recording, or disclosing communications or conversations involving certain criminal conduct; and amending RCW 9.73.090.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1603 by Representatives Morgan, Dent, Reeves, Chapman, Orcutt, Springer, Kretz, Kloba, Lekanoff, Paul, Gregerson, Eslick, Tharinger, Doglio and Reed

AN ACT Relating to creating a location-based promotion program for Washington food and agricultural products; adding a new chapter to Title 15 RCW; and repealing RCW 15.105.005, 15.105.010, 15.105.020, 15.105.030, 15.105.040, 15.105.050, 15.105.060, and 15.105.901.

Referred to Committee on Agriculture and Natural Resources.

HB 1604 by Representatives Corry, Springer, Volz, Leavitt and Chapman

AN ACT Relating to providing a retroactive business and occupation tax exemption for custom farming; and amending RCW 82.04.758.

Referred to Committee on Finance.

HB 1605 by Representatives Rule, Rude, Ramel, Eslick and Timmons

AN ACT Relating to small districts with less than 2,750 students and significant participation in skill centers; and amending RCW 28A.245.020.

Referred to Committee on Education.

HB 1606 by Representatives Ryu, Ramel, Gregerson, Kloba and Reed

AN ACT Relating to increasing accountability for products sold on electronic commerce platforms; and amending RCW 7.72.010, 7.72.040, and 7.72.060.

Referred to Committee on Consumer Protection & Business.

HB 1607 by Representatives Hackney and Pollet

AN ACT Relating to admissibility of juvenile statements and physical evidence; and amending RCW 13.40.740.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1608 by Representatives Bronoske, Simmons, Duerr, Ramel, Wylie, Paul, Jacobsen, Macri, Kloba, Leavitt and Reed

AN ACT Relating to expanding access to anaphylaxis medications in schools; amending RCW 28A.210.383; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Education.

HB 1609 by Representatives Eslick, Jacobsen, Dent, Pollet, Graham and Leavitt

AN ACT Relating to school library information and technology programs; amending RCW 28A.320.240; adding new sections to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

HB 1610 by Representatives Walsh, Walen, Graham, Jacobsen, McClintock and Volz

AN ACT Relating to restoring trust in public health through consumer protection; amending RCW 19.86.010, 9.04.010, 9.04.050, 9.04.060, 9.04.070, 9.04.080, 69.04.004, 69.04.007, and 69.04.019; adding new sections to chapter 19.86 RCW; adding a new section to chapter 9.04 RCW; adding new sections to chapter 69.04 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on State Government & Tribal Relations.

HB 1611 by Representatives Reed, Hutchins, Fosse and Macri

AN ACT Relating to local government permitting; amending RCW 36.70B.060, 36.70B.070, and 36.70B.080; adding a new section to chapter 36.70B RCW; and creating a new section.

Referred to Committee on Housing.

HB 1612 by Representatives Kloba, Callan, Orwall, Ramel, Wylie and Pollet

AN ACT Relating to the regulation of products containing THC; amending RCW 15.140.020, 69.50.326, and 69.50.346; reenacting and amending RCW 69.50.101; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Regulated Substances & Gaming.

HB 1613 by Representatives Rule, Mosbrucker, Shavers, Leavitt, Hackney, Bronoske, Paul, Timmons, Stokesbary, Chambers, Graham, Eslick, Abbarno, Robertson, Walen, Reeves, Wylie, Jacobsen, Pollet and Caldier

AN ACT Relating to encouraging treatment for possession of certain counterfeit drugs or controlled substances; amending RCW 69.50.4011, 69.50.4013, 69.50.4014, 69.41.030, 9.96.060, and 10.31.110; amending 2021 c 311 s 29 (uncodified); adding a new section to chapter 69.50 RCW; adding a new section to chapter 43.43 RCW; repealing RCW 10.31.115; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1614 by Representatives Kloba, Ormsby, Doglio, Goodman, Wylie, Fosse, Gregerson, Morgan and Reed

AN ACT Relating to the home cultivation of cannabis; amending RCW 69.50.4013 and 7.80.120; reenacting and amending RCW 69.50.505 and 69.50.101; and prescribing penalties.

Referred to Committee on Regulated Substances & Gaming.

HB 1615 by Representatives Eslick, Corry, Graham, Barkis, Volz, Dent, Couture, Low, Steele, Christian and McEntire

AN ACT Relating to creating the students first program which establishes education savings accounts for students in need of support; adding a new section to chapter 28B.77 RCW; adding a new chapter to Title 28A RCW; and creating a new section.

Referred to Committee on Education.

HB 1616 by Representatives Kloba, Eslick, Fosse and Pollet

AN ACT Relating to creating a charter of people's personal data rights; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 19 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1617 by Representatives Ryu, Volz, Springer, Maycumber, Walen, Ybarra, Street, Pollet, Chapman, Doglio, Corry, Hackney, Abbarno and Reed

AN ACT Relating to removing the expiration date for the state universal services program; amending RCW 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, and 80.36.690; and repealing RCW 80.36.700.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1618 by Representatives Farivar, Simmons, Wylie, Berry, Walen, Fosse, Morgan, Macri, Pollet, Doglio, Reed, Caldier and Orwall

AN ACT Relating to providing access to justice for survivors of childhood sexual abuse; amending RCW 4.16.340; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1619 by Representatives Fey, Duerr and Wylie

AN ACT Relating to incentivizing development and acquisition of renewable energy resources; amending RCW 80.28.385; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 80.28 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Environment & Energy.

HB 1620 by Representatives Fey and Morgan

AN ACT Relating to the number of inhabitants required for incorporation as a city or town; and amending RCW 35.02.010.

Referred to Committee on Local Government.

HB 1621 by Representatives Ryu, Duerr, Pollet, Kloba and Senn

AN ACT Relating to standardizing local government procurement rules among special purpose districts, first-class and second-class cities, and public utility districts; and amending RCW 54.04.070, 35.23.352, 35.22.620, 57.08.050, and 52.14.110.

Referred to Committee on Local Government.

HB 1622 by Representatives Fey, Rude, Simmons, Schmidt, Cortes, Senn, Slatter, Alvarado, Ryu, Wylie, Bergquist, Paul, Gregerson, Morgan, Macri, Pollet, Doglio, Timmons and Leavitt

AN ACT Relating to supporting the needs of students experiencing homelessness; amending RCW 28A.300.542; and reenacting and amending RCW 43.185C.340.

Referred to Committee on Education.

HB 1623 by Representatives Volz, Chapman, Walsh, Maycumber, Paul, Graham, Ryu, Chambers, Ybarra, Barnard, Christian, Walen, Tharinger and Shavers

AN ACT Relating to regional economic development visions and action plans; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1624 by Representatives Ybarra and Waters

AN ACT Relating to administering educational service district elections; and amending RCW 28A.310.090 and 28A.310.100.

Referred to Committee on Education.

HB 1625 by Representatives Pollet, Farivar, Chopp, Alvarado, Macri, Doglio, Ramel, Reed, Fosse and Street

AN ACT Relating to enabling local governments to plan and adopt programs to stabilize and control rents; creating a new section; and repealing RCW 35.21.830 and 36.01.130.

Referred to Committee on Housing.

HB 1626 by Representatives Bronoske, Rude, Ryu, Griffey, Callan, Fosse, Senn, Macri, Pollet, Graham, Leavitt and Reed

AN ACT Relating to coverage for colorectal screening tests under medical assistance programs; and amending RCW 74.09.520.

Referred to Committee on Health Care & Wellness.

HB 1627 by Representatives Reeves, Senn, Berry, Walen, Wylie and Kloba

AN ACT Relating to protecting the interests of minor children featured on for-profit family vlogs; amending RCW 63.60.020 and 63.60.040; adding new sections to chapter 63.60 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1628 by Representatives Chopp, Macri, Peterson, Alvarado, Taylor, Reed, Pollet, Lekanoff, Fitzgibbon, Berg, Riccelli, Davis, Street, Ramel, Duerr, Senn, Doglio, Cortes, Stonier, Gregerson, Mena, Berry, Fosse, Goodman, Bergquist, Slatter, Ormsby, Thai, Farivar, Simmons and Wylie

AN ACT Relating to increasing the supply of affordable housing by modifying the state and local real estate excise tax; amending RCW 82.45.060, 82.45.230, 82.46.035,

82.45.010, and 82.45.010; adding a new section to chapter 82.45 RCW; adding a new section to chapter 82.46 RCW; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Local Government.

HB 1629 by Representatives Wylie, Senn and Orcutt

AN ACT Relating to transfers of firearms to museums and historical societies; and amending RCW 9.41.113.

Referred to Committee on Civil Rights & Judiciary.

HB 1630 by Representatives Walen and Springer

AN ACT Relating to authorizing sports wagering at cardrooms and racetracks; amending RCW 9.46.0335, 9.46.153, 9.46.155, 9.46.210, 9.46.240, 67.04.010, 67.04.020, 67.04.030, 67.04.040, 67.04.050, 67.04.060, 67.04.070, and 67.04.080; adding a new section to chapter 82.04 RCW; adding a new section to chapter 67.04 RCW; adding a new chapter to Title 9 RCW; recodifying RCW 67.24.010; decodifying RCW 67.24.020; and prescribing penalties.

Referred to Committee on Regulated Substances & Gaming.

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, with the exception of HOUSE BILL NO. 1606 which was referred to the Committee on the Committee on Consumer Protection & Business.

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

## REPORTS OF STANDING COMMITTEES

January 24, 2023

HB 1045 Prime Sponsor, Representative Berry: Creating the evergreen basic income pilot program. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan; Goodman and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Rule; and Walsh.

Referred to Committee on Appropriations

January 24, 2023

HB 1061 Prime Sponsor, Representative Ryu: Eliminating preclicensing education requirements for licensed insurance producers. Reported by Committee on Consumer Protection & Business

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

Referred to Committee on Rules for second reading

January 24, 2023

**HB 1068** Prime Sponsor, Representative Bronoske: Concerning injured workers' rights during compelled medical examinations. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

January 24, 2023

**HB 1208** Prime Sponsor, Representative Walen: Concerning pet insurance. Reported by Committee on Consumer Protection & Business

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

Referred to Committee on Rules for second reading

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 sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1101, by Representatives Taylor, Bergquist, Ramel and Gregerson**

**Providing for tenant screening in common interest communities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1101 was substituted for House Bill No. 1101 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1101 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 Taylor and Klicker spoke in favor of the passage of the bill.

## MOTIONS

On motion of Representative Robertson, Representative Waters was excused.

On motion of Representative Ramel, Representatives Simmons and Thai were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1101.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1101, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Simmons, Thai and Waters

SUBSTITUTE HOUSE BILL NO. 1101, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1179, by Representatives Ramos, Goodman, Leavitt, Ryu, Ortiz-Self, Bateman, Taylor, Callan and Macri**

**Authorizing the state auditor to receive nonconviction data.**

The bill was read the second time.

Representative Abbarno moved the adoption of amendment (002):

On page 2, line 37, after "43.101.460." insert "Such dissemination is specifically limited to information necessary to ensure compliance with RCW 10.114.011 and rules adopted pursuant to RCW 10.114.011. The state auditor may not access nonconviction data that is not specifically required to ensure compliance with RCW 10.114.011 and rules adopted pursuant to RCW 10.114.011."

On page 3, line 37, after "section." insert "Access to records of arrest, charges, or allegations of criminal misconduct or other nonconviction data by the state auditor pursuant to this section is specifically limited to records of arrest, charges, or allegations of criminal misconduct or other nonconviction data necessary to ensure compliance with RCW 10.114.011 and rules adopted pursuant to RCW 10.114.011. The state auditor may not access nonconviction data that is not specifically required to ensure compliance with RCW 10.114.011 and rules adopted pursuant to RCW 10.114.011."

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

Representative Ramos spoke against the adoption of the amendment.

Amendment (002) 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.

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

Representative Abbarno spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1179.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1179, and the bill passed the House by the following vote: Yeas, 55; Nays, 40; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Slatter, Springer, Stearns, Stonier, Street, Taylor, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Calder, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Simmons, Thai and Waters

HOUSE BILL NO. 1179, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1031, by Representatives Low, Ryu, Schmidt, Christian, Reeves and Ramos**

**Modifying medal of valor award presentation requirements.**

The bill was read the second time.

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

Representatives Low and Ramos spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Ramel, Representatives Fey and Mena were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1031.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1031, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stokesbary,

Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Fey, Mena, Simmons, Thai and Waters

HOUSE BILL NO. 1031, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Eslick congratulated Representative Low on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

### SECOND READING

**HOUSE BILL NO. 1030, by Representatives Leavitt, Jacobsen, Pollet, Reeves and Bronoske**

**Concerning applied doctorate degree-granting authority.**

The bill was read the second time.

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

Representatives Leavitt and Jacobsen spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1030.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1030, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Fey, Mena, Simmons, Thai and Waters

HOUSE BILL NO. 1030, having received the necessary constitutional majority, was declared passed.

### SPEAKER'S PRIVILEGE

The Speaker (Representative Bronoske presiding) recognized former Representative and Senator Kirk Pearson from the 39th legislative district and his guest, Mr. Smith in the Gallery and asked the Chamber to acknowledge them.

There being no objection, the House adjourned until 9:55 a.m., Friday, January 27, 2023, the 19th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## NINETEENTH DAY

House Chamber, Olympia, Friday, January 27, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4607**, by Representatives Kloba and Slatter

WHEREAS, On the 28th of January, Washingtonians join the nation and over 50 countries in commemorating a day to promote awareness of data privacy and data protection practices; and

WHEREAS, Today, nearly everything in our modern world is accessed online; and

WHEREAS, Not only do we use the internet to inform and entertain, we rely on the internet to access education, the marketplace, government services, our jobs, and telemedicine; and

WHEREAS, Preserved in the Washington State Constitution in Article I section 7, privacy is stated to be a foundational right of individuals; and

WHEREAS, Many people do not understand the ways in which their private activities on their computers, phones, and connected devices generate data that is being used and stored digitally, with or without their knowledge; and

WHEREAS, Vast amounts of data about consumers are harvested daily around the globe, and with the collection and processing of this data comes great responsibility; and

WHEREAS, Public agencies in Washington state are accountable for the responsible care and protection of private personal information that they collect and process; and implementing principles such as lawful use, purpose limitation and data minimization to best protect the privacy of Washingtonians; and

WHEREAS, Washington, along with many other states have passed, and continue to work on private sector protections for consumers personal information; and

WHEREAS, There remains a need for meaningful protections in law that can be enforced; and

WHEREAS, The protection of personal data is a responsibility shared by individuals, governments, industry, and civil society; and

WHEREAS, Governor Jay Inslee has proclaimed January 28th as Data Privacy Day in Washington state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize that the digital privacy of the people of Washington needs to be preserved and protected; and

BE IT FURTHER RESOLVED, That the House of Representatives join in commemorating a day to promote data privacy that will encourage Washingtonians to be aware of and take steps to protect their privacy interests and personal information.

HOUSE RESOLUTION NO. 4607 was adopted.

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

## INTRODUCTION &amp; FIRST READING

HB 1631 by Representatives Hackney, Orwall, Fey, Duerr, Bronoske, Bergquist and Cheney

AN ACT Relating to deterring illegal racing; amending RCW 46.61.530, 46.55.360, and 46.55.370; reenacting and amending RCW 46.55.113; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1632 by Representatives Reeves, Duerr and Springer

AN ACT Relating to evaluating retirement options for Washington consumers; creating a new section; and providing an expiration date.

Referred to Committee on Consumer Protection & Business.

HB 1633 by Representatives Connors, Hutchins, Chapman, Taylor, Bateman, Low, Reeves, Cheney, Klicker, Barnard, Schmidt, Barkis, Peterson, Reed, Rude, Bronoske, Robertson, Christian, Duerr, Rule, Timmons, Eslick, Doglio and Fosse

AN ACT Relating to creating a homes for heroes program; adding a new section to chapter 43.330 RCW; and creating new sections.

Referred to Committee on Housing.

HB 1634 by Representatives Reeves and Morgan

AN ACT Relating to residential insurance policies; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1635 by Representatives Mosbrucker, Walsh and Eslick

AN ACT Relating to limiting liability arising from the use of trained police dogs; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1636 by Representatives Orwall, Walsh and Timmons

AN ACT Relating to foreclosure protections for homeowners in common interest communities; amending RCW 64.32.200, 64.32.200, 64.34.364, 64.34.364, 64.38.100, 64.38.100, 64.90.485, and 64.90.485; amending 2021 c 222 ss 9 and 10 (uncodified); providing an effective date; and providing an expiration date.

Referred to Committee on Housing.

HB 1637 by Representatives Orwall, Pollet and Fitzgibbon

AN ACT Relating to prohibiting excessive fees or other charges for locating or recovering foreclosure surplus funds and other unclaimed property; amending RCW 61.24.135; adding a new section to chapter 61.12 RCW; adding a new section to chapter 63.30 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

HB 1638 by Representatives Fey, Barkis, Robertson, Lekanoff, Schmidt, Ramel, Duerr, Timmons, Eslick and Jacobsen

AN ACT Relating to the creation of a state trooper expedited recruitment incentive program; adding a new section to chapter 43.43 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 1639 by Representatives Lekanoff, Ramel, Gregerson and Santos

AN ACT Relating to the Billy Frank Jr. national statutory hall selection committee; amending RCW 1.16.050; amending 2021 c 20 s 3 (uncodified); reenacting and amending RCW 43.79A.040; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1640 by Representatives Street, Santos, Mena, Doglio, Senn, Reed, Berry, Farivar, Simmons, Cortes, Ryu, Lekanoff, Ramel, Gregerson, Bateman, Pollet, Morgan, Macri, Fosse and Kloba

AN ACT Relating to the governor's authority to grant pardons and commutations; amending RCW 9.94A.565 and 10.01.120; and reenacting and amending RCW 9.94A.728.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1641 by Representatives Davis, Dent, Leavitt, Harris, Callan, Eslick, Walen, Ortiz-Self, Ramel, Rule, Gregerson and Pollet

AN ACT Relating to enacting policy solutions to address public health challenges of high-potency cannabis products; amending RCW 69.50.535, 69.50.369, 69.50.357, and 69.50.346; and reenacting and amending RCW 69.50.540.

Referred to Committee on Regulated Substances & Gaming.

HB 1642 by Representatives Davis, Dent, Leavitt, Harris, Callan, Eslick, Walen, Senn, Ramel, Duerr, Gregerson and Pollet

AN ACT Relating to addressing serious physical and behavioral health consequences of high-potency cannabis products by regulating the sale of cannabis concentrates; amending RCW 69.50.357, 69.50.375, and 69.50.325; and creating a new section.

Referred to Committee on Regulated Substances & Gaming.

HB 1643 by Representatives Riccelli, Slatter, Berry, Lekanoff, Senn, Simmons, Ramel, Timmons, Stonier, Pollet and Doglio

AN ACT Relating to creating the hospital-based nurse student loan repayment assistance program under the Washington health corps; amending RCW 28B.115.010, 28B.115.020, 28B.115.030, 28B.115.080, 28B.115.090, and 28B.115.110; adding a new section to chapter 28B.115 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Postsecondary Education & Workforce.

HB 1644 by Representatives Walen, Ramel, Duerr, Pollet and Macri

AN ACT Relating to the margin tax; amending RCW 34.05.328, 82.04.020, 82.04.066, 82.04.067, 82.04.080, 82.04.2403, 82.04.310, 82.04.311, 82.04.320, 82.04.322, 82.04.323, 82.04.340, 82.04.350, 82.04.360, 82.04.380, 82.04.390, 82.04.405, 82.04.408, 82.04.4282, 82.04.4283,

82.04.4284, 82.04.4285, 82.04.4286, 82.04.4293, 82.04.4339, 82.04.440, 82.04.4497, 82.04.4499, 82.04.615, 82.04.767, 82.04.261, 82.04.285, 82.04.286, 82.04.29004, 82.04.290, 82.04.510, 82.32.045, 82.32.057, 82.32.090, 9.41.100, 9.46.071, 9.91.180, 28C.18.200, 35.87A.010, 35.102.160, 43.06.400, 43.365.020, 48.14.080, 48.62.151, 48.64.110, 48.180.055, 48.190.100, 49.04.220, 81.112.330, 82.02.250, 82.04.010, 82.04.051, 82.04.062, 82.04.2404, 82.04.280, 82.04.294, 82.04.297, 82.04.324, 82.04.385, 82.04.4265, 82.04.540, 82.04.293, 82.04.4328, 82.04.431, 82.08.0209, 82.08.02807, 82.08.0531, 82.08.052, 82.08.0291, 82.08.0311, 82.08.207, 82.08.806, 82.08.820, 82.08.830, 82.08.965, 82.08.9651, 82.08.970, 82.08.990, 82.12.02749, 82.12.0311, 82.12.970, 82.14B.061, 82.16.0496, 82.16.100, 82.16.325, 82.19.050, 82.29A.137, 82.32.030, 82.32.450, 82.32.534, 82.32.537, 82.32.670, 82.32.710, 82.32.790, 82.45.195, 84.36.645, 84.36.655, 88.46.010, and 90.56.010; reenacting and amending RCW 82.04.299, 43.79.195, 82.04.050, 82.04.170, 82.04.190, and 88.40.011; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; creating new sections; repealing RCW 43.365.050, 82.04.212, 82.04.220, 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.257, 82.04.258, 82.04.260, 82.04.2602, 82.04.263, 82.04.270, 82.04.272, 82.04.29001, 82.04.29002, 82.04.29005, 82.04.2905, 82.04.2906, 82.04.2907, 82.04.2908, 82.04.2909, 82.04.298, 82.04.301, 82.04.315, 82.04.317, 82.04.321, 82.04.326, 82.04.327, 82.04.330, 82.04.331, 82.04.332, 82.04.333, 82.04.334, 82.04.335, 82.04.337, 82.04.338, 82.04.339, 82.04.3395, 82.04.355, 82.04.363, 82.04.367, 82.04.368, 82.04.370, 82.04.392, 82.04.399, 82.04.410, 82.04.415, 82.04.418, 82.04.4201, 82.04.421, 82.04.422, 82.04.423, 82.04.425, 82.04.4251, 82.04.426, 82.04.4261, 82.04.4262, 82.04.4263, 82.04.4264, 82.04.4266, 82.04.4267, 82.04.4268, 82.04.4269, 82.04.427, 82.04.4271, 82.04.4272, 82.04.4274, 82.04.4275, 82.04.4281, 82.04.4287, 82.04.4289, 82.04.4290, 82.04.4291, 82.04.4292, 82.04.4294, 82.04.4295, 82.04.4296, 82.04.4297, 82.04.4298, 82.04.4311, 82.04.432, 82.04.4327, 82.04.433, 82.04.4331, 82.04.4332, 82.04.4337, 82.04.43391, 82.04.43392, 82.04.43393, 82.04.43395, 82.04.43396, 82.04.434, 82.04.4451, 82.04.44525, 82.04.4461, 82.04.4463, 82.04.447, 82.04.448, 82.04.4481, 82.04.4482, 82.04.4486, 82.04.4489, 82.04.449, 82.04.4496, 82.04.4498, 82.04.460, 82.04.462, 82.04.520, 82.04.545, 82.04.600, 82.04.601, 82.04.610, 82.04.620, 82.04.627, 82.04.628, 82.04.635, 82.04.640, 82.04.645, 82.04.650, 82.04.660, 82.04.750, 82.04.755, 82.04.756, 82.04.758, 82.04.765, 82.04.770, 82.04.775, 82.04.900, and 82.32.533; providing an effective date; providing a contingent effective date; providing an expiration date; and providing contingent expiration dates.

Referred to Committee on Finance.

HB 1645 by Representatives Barnard, Duerr, Connors, Riccelli, Cheney, Hutchins, McClintock, Chambers, McEntire, Sandlin, Eslick, Low, Street, Maycumber, Fitzgibbon, Macri, Reed, Rude, Lekanoff and Ramel

AN ACT Relating to meetings of county legislative authorities; and amending RCW 36.32.080.

Referred to Committee on Local Government.

HB 1646 by Representatives Schmick and Eslick

AN ACT Relating to promoting lower insurance premiums by creating a variable insurance premiums tax rate that does not exceed two percent; and amending RCW 48.14.020.

Referred to Committee on Consumer Protection & Business.

HB 1647 by Representatives Chapman and Lekanoff

AN ACT Relating to creating keep Washington evergreen special license plates; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.425; adding a new section to

chapter 46.04 RCW; adding a new section to chapter 46.18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 1648 by Representatives Reeves, Ryu, Berry, Walen, Simmons, Ramel, Orwall, Duerr, Gregerson, Doglio, Stonier, Pollet and Morgan

AN ACT Relating to ticket sales; amending RCW 19.345.010 and 19.345.020; adding new sections to chapter 19.345 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 1649 by Representatives Hackney, Berry, Taylor, Stonier, Pollet, Macri and Fosse

AN ACT Relating to prejudgment interest; amending RCW 4.56.110; and repealing RCW 4.56.111.

Referred to Committee on Civil Rights & Judiciary.

HB 1650 by Representatives Wylie and Kloba

AN ACT Relating to requiring voter approval for local government prohibitions on the operation and siting of cannabis retail businesses; reenacting and amending RCW 69.50.540; adding new sections to chapter 69.50 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Regulated Substances & Gaming.

HCR 4402 by Representatives Doglio, Santos, Ryu, Pollet, Bateman, Goodman and Senn

Renaming the Natural Resources Building as the Jennifer Belcher Building.

Referred to Committee on State Government & Tribal Relations.

SB 5003 by Senators Lovick, Robinson, Dhingra, Liias, Nobles, Stanford and Torres

AN ACT Relating to increasing the number of district court judges in Snohomish county; and amending RCW 3.34.010.

Referred to Committee on Civil Rights & Judiciary.

SB 5004 by Senators Pedersen, Padden, Dhingra, Mullet, Nobles and Wilson, J.

AN ACT Relating to making updates to the Washington business corporation act; amending RCW 23B.01.400, 23B.06.210, 23B.10.020, and 23B.11.030; adding a new section to chapter 23B.06 RCW; and adding a new section to chapter 23B.11 RCW.

Referred to Committee on Civil Rights & Judiciary.

SB 5089 by Senators King, Rolfes and Wilson, J.

AN ACT Relating to making changes to factory assembled structures, manufactured or mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and park trailers requirements, including adding board members to the factory assembled structures advisory committee; amending RCW 43.22.420, 43.22A.010, 43.22A.020, 43.22A.080, 43.22A.110, 43.22A.120, 43.22A.140, and 43.22.495; and reenacting and amending RCW 43.22A.005.

Referred to Committee on Labor & Workplace Standards.

SSB 5156 by Senate Committee on Labor & Commerce (originally sponsored by Torres, Dhingra, Hasegawa, Hunt, Muzzall, Nobles, Randall, Rolfes, Schoesler, Shewmake, Wagoner, Warnick, Wellman and Wilson, L.)

AN ACT Relating to expanding the farm internship program; amending RCW 49.12.471, 49.46.010, 50.04.152, and 51.16.243; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

There being no objection, the bills and resolutions 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 26, 2023

HB 1002 Prime Sponsor, Representative Leavitt: Increasing the penalty for hazing. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

January 23, 2023

HB 1007 Prime Sponsor, Representative Paul: Concerning interruptive military service credit for members of the state retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

Referred to Committee on Rules for second reading

January 23, 2023

HB 1008 Prime Sponsor, Representative Bronoske: Concerning participating in insurance plans and contracts by separated plan 2 members of certain retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.



Referred to Committee on Rules for second reading

January 26, 2023

HB 1047 Prime Sponsor, Representative Mena: Concerning the use of toxic chemicals in cosmetic products. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Couture; and Goehner.

Referred to Committee on Appropriations

January 23, 2023

HB 1056 Prime Sponsor, Representative Stokesbary: Repealing some postretirement employment restrictions. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1112 Prime Sponsor, Representative Harris: Imposing criminal penalties for negligent driving involving the death of a vulnerable user victim. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Transportation

January 26, 2023

HB 1114 Prime Sponsor, Representative Mosbrucker: Concerning the membership of the sentencing guidelines commission. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1150 Prime Sponsor, Representative Mosbrucker: Creating the offense of unlawful branding of

another person. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1160 Prime Sponsor, Representative Graham: Concerning an aggravating circumstance for the mutilation or dismemberment of a human body. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

January 24, 2023

HB 1176 Prime Sponsor, Representative Slatter: Developing opportunities for service and workforce programs to support climate-ready communities. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Hansen; Klicker; Leavitt; Paul; Pollet and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Jacobsen; McEntire; and Schmidt.

Referred to Committee on Appropriations

January 26, 2023

HB 1177 Prime Sponsor, Representative Lekanoff: Creating a missing and murdered indigenous women and people cold case investigations unit. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

January 25, 2023

HB 1181 Prime Sponsor, Representative Duerr: Improving the state's response to climate change by updating the state's planning framework. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Appropriations

January 26, 2023

HB 1182 Prime Sponsor, Representative Wylie: Providing a tax exemption for the first 20,000 gallons of wine sold by a winery in Washington. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Orwall; Reeves and Walsh.

Referred to Committee on Finance

January 26, 2023

HB 1209 Prime Sponsor, Representative Leavitt: Restricting the possession, purchase, delivery, and sale of certain equipment used to illegally process controlled substances. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

January 25, 2023

HB 1210 Prime Sponsor, Representative Rude: Concerning the recording of school board meetings. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

January 25, 2023

HB 1218 Prime Sponsor, Representative Bergquist: Adding a new caseload for the official caseload forecast for the number of people eligible for the working families' tax credit under RCW 82.08.0206. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1241

Prime Sponsor, Representative Leavitt: Addressing harassment. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representative Graham.

Referred to Committee on Rules for second reading

January 25, 2023

HB 1259

Prime Sponsor, Representative Abbarno: Updating the executive team of the office of the secretary of state by adding signing authority to the chief of staff position. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1299

Prime Sponsor, Representative Chambers: Concerning workforce development in the beverage alcohol industry. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Orwall; Reeves and Walsh.

Referred to Committee on Rules for second reading

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 eighth order of business.

### MOTION

There being no objection, the Committee on Education was relieved of HOUSE BILL NO. 1368, and the bill was referred to the Committee on Environment & Energy.

There being no objection, the House adjourned until 9:55 a.m., Monday, January 30, 2023, the 22nd Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## TWENTY SECOND DAY

House Chamber, Olympia, Monday, January 30, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

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 fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1651 by Representatives Reeves and Pollet

AN ACT Relating to debts arising from infractions for standing, stopping, and parking violations, and violations captured by safety cameras; amending RCW 46.16A.120; adding a new section to chapter 19.16 RCW; adding a new section to chapter 46.63 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1652 by Representatives Taylor, Couture and Rule

AN ACT Relating to child support pass through; amending RCW 26.23.035; adding a new section to chapter 74.08A RCW; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

HB 1653 by Representatives Caldier, Walen and Duerr

AN ACT Relating to providing a business and occupation tax exemption for amounts derived from animal adoption fees collected by a nonprofit; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1654 by Representatives Harris, Taylor, Leavitt, Santos, Ramel, Eslick and Macri

AN ACT Relating to enhanced behavior support homes; amending RCW 43.185.020; adding new sections to chapter 43.185 RCW; and creating a new section.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1655 by Representatives Harris and Stonier

AN ACT Relating to provider contract compensation; adding a new section to chapter 48.43 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1656 by Representatives Schmidt, Fosse, Berry, Robertson, Christian, Ormsby and Riccelli

AN ACT Relating to unemployment insurance benefits appeal procedures; amending RCW 50.32.040; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1657 by Representatives Street, Cheney, Simmons, Taylor, Ormsby and Hutchins

AN ACT Relating to the authority of justices, judges, and judicial officers of federal courts to solemnize marriages; and amending RCW 26.04.050.

Referred to Committee on Civil Rights & Judiciary.

HB 1658 by Representatives Shavers, Santos, Morgan, Ramel, Taylor and Ormsby

AN ACT Relating to authorizing public high school students to earn elective credit for paid work experience; adding a new section to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Education.

HB 1659 by Representatives Dye and Klicker

AN ACT Relating to preventing carbon market price manipulation; amending RCW 70A.65.290 and 70A.65.100; adding a new section to chapter 43.09 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1660 by Representatives Christian, Riccelli, Hutchins, Schmidt, Couture, Connors, Sandlin, Bergquist, Eslick and Chambers

AN ACT Relating to setting a minimum bid for abandoned recreational vehicles sold at auction; and amending RCW 46.55.130.

Referred to Committee on Transportation.

HB 1661 by Representatives Maycumber, Springer, Robertson, Chapman, Mosbrucker, Rule, Eslick, Taylor and Paul

AN ACT Relating to establishing a pilot project for mobile mental health crisis intervention; creating new sections; and providing an expiration date.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1662 by Representatives Tharinger and Chapman

AN ACT Relating to payments for certain sole community hospitals under medical assistance programs; amending RCW 74.09.5225; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1663 by Representatives Goehner and Steele

AN ACT Relating to allowing port districts that have been functionally consolidated to adopt a unified levy; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Local Government.

HB 1664 by Representatives Goehner, Barnard, Corry, Couture, Dye, Schmidt, Eslick, McClintock, Schmick, Klicker and Dent

AN ACT Relating to ensuring rural representation on the environmental justice council; amending RCW 70A.02.110; adding a new section to chapter 70A.02 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1665 by Representatives Stonier, Santos and Pollet

AN ACT Relating to allowing pharmacists to treat certain conditions; amending RCW 18.64.011; adding a new section to chapter 18.64 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1666 by Representative Reeves

AN ACT Relating to making changes to certain fee and debt collection practices; amending RCW 19.16.100 and 19.16.500; reenacting and amending RCW 19.16.250; adding a new section to chapter 19.200 RCW; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 1667 by Representatives Schmidt, Chapman and Christian

AN ACT Relating to determining the prevailing wage for public works; and amending RCW 39.12.015.

Referred to Committee on Labor & Workplace Standards.

HB 1668 by Representatives Donaghy, Low, Reeves, Ramel, Chambers, Bronoske, Eslick, Chapman, Macri, Schmidt, Kloba, Robertson, Hutchins, Davis and Ryu

AN ACT Relating to restitution for surviving minor children of deceased victims of vehicular homicide; and amending RCW 9.94A.753.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1669 by Representatives Chambers, Riccelli, Robertson, Leavitt, Jacobsen, Graham, Stonier, Reeves, Christian, Chapman, Schmidt, Rule, Eslick, Taylor and Paul

AN ACT Relating to the Washington auto theft prevention authority account; amending RCW 48.14.020, 46.66.080, and 46.63.110; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1670 by Representatives Ormsby, Fitzgibbon, Walen, Macri, Senn, Bergquist, Gregerson, Springer, Goodman, Chopp, Bateman, Wylie, Fey, Ryu, Stonier, Riccelli, Reeves, Duerr, Ramel, Alvarado and Pollet

AN ACT Relating to raising the limit factor for property taxes; amending RCW 84.55.005 and 84.55.100; creating a new section; and repealing RCW 84.55.0101.

Referred to Committee on Finance.

HB 1671 by Representatives Couture, Volz, Sandlin, McEntire, Waters, Klicker, McClintock, Christian, Orcutt, Corry, Walsh, Jacobsen, Mosbrucker, Chambers, Schmidt, Stokesbary and Low

AN ACT Relating to securing honesty and valor of elected representatives and senators; adding a new section to chapter 9A.60 RCW; adding a new section to chapter 29A.32 RCW; and prescribing penalties.

Referred to Committee on State Government & Tribal Relations.

HB 1672 by Representatives Couture, Mosbrucker, Corry, Volz, Christian, McEntire, Walsh and Eslick

AN ACT Relating to a spirits tax exemption on spirits purchased for use as fund-raising prizes by veterans' service organizations; amending RCW 82.08.150; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Regulated Substances & Gaming.

HB 1673 by Representatives McEntire, Leavitt, Rule and Pollet

AN ACT Relating to supporting child welfare workers; amending RCW 74.14B.010; reenacting and amending RCW 74.14B.005; and adding a new section to chapter 74.14B RCW.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1674 by Representatives Ramel, Fey, Peterson, Reed, Berry, Duerr and Kloba

AN ACT Relating to improving protections for pedestrians and other vulnerable roadway users from dangers posed by certain pickup trucks and sport utility vehicles; amending RCW 46.70.180, 46.61.190, 46.61.235, 46.61.245, 46.61.400, 46.61.440, 46.61.145, 2.68.040, and 46.63.110; reenacting and amending RCW 3.62.090; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.01 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 43.59 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1675 by Representatives McEntire and Eslick

AN ACT Relating to establishing a school safety dashboard; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Education.

HB 1676 by Representatives Senn, Couture, Taylor, Stonier, Pollet, Callan, Rule, Goodman and Kloba

AN ACT Relating to special education early support for infants and toddlers; and amending RCW 43.216.580.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1677 by Representatives Walsh, Gregerson and Pollet

AN ACT Relating to improving transparency in campaign finance disclosure; and amending RCW 42.17A.205, 42.17A.207, 42.17A.235, 42.17A.255, 42.17A.260, 42.17A.265, 42.17A.345, and 42.17A.785.

Referred to Committee on State Government & Tribal Relations.

HB 1678 by Representatives Riccelli, Lekanoff, Stonier, Morgan, Bateman, Macri, Ormsby, Slatter, Entenman, Ramos, Peterson, Tharinger, Chopp, Ryu, Pollet, Davis, Harris, Taylor, Simmons, Kloba and Gregerson

AN ACT Relating to establishing and authorizing the profession of dental therapy to practice in federally qualified health centers and look-alikes; amending RCW 18.32.030, 18.32.0351, 18.120.020, 18.130.040, 18.260.010, 18.260.040, 18.260.070, 18.260.080, 69.41.010, and 69.41.030; reenacting and amending RCW 43.70.442; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1679 by Representatives Rule, Eslick, Reeves, Gregerson and Pollet

AN ACT Relating to modifying and extending requirements of a work group convened to address the needs of students in foster care, experiencing homelessness, or both, by adding reporting and other requirements related to students in or exiting institutional education facilities; amending RCW 28A.300.544; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

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 26, 2023

HB 1013 Prime Sponsor, Representative Maycumber: Establishing regional apprenticeship programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

January 26, 2023

HB 1015 Prime Sponsor, Representative Santos: Concerning minimum employment requirements for paraeducators. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1033 Prime Sponsor, Representative Walen: Evaluating compostable product usage in Washington. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Ybarra, Assistant Ranking Minority Member; Berry; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Abbarno; Barnard; and Couture.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1074 Prime Sponsor, Representative Thai: Addressing documentation and processes governing landlords' claims for damage to residential premises. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Bateman; Chopp; Entenman; Reed and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; and Low.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis; and Hutchins.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1085 Prime Sponsor, Representative Mena: Reducing plastic pollution. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Barnard; Berry; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Assistant Ranking Minority Member; Abbarno; and Couture.

Referred to Committee on Appropriations

January 26, 2023

HB 1109 Prime Sponsor, Representative Senn: Providing funding for school districts for special education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

January 26, 2023

HB 1113 Prime Sponsor, Representative Harris: Reviewing reprimands for professional educators. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1121 Prime Sponsor, Representative Goodman: Concerning the uniform child abduction prevention act. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude and Walen.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1124 Prime Sponsor, Representative Peterson: Protecting tenants from excessive rent and related fees by providing at least six months' notice for rent increases over a certain amount, allowing tenants the right to terminate a tenancy without penalty, and limiting late fees. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Bateman; Chopp; Entenman; Reed and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Hutchins; and Low.

Referred to Committee on Rules for second reading

January 25, 2023

HB 1128 Prime Sponsor, Representative Bateman: Raising the residential personal needs allowance. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1133 Prime Sponsor, Representative Chapman: Establishing limitations on detached accessory dwelling units outside urban

growth areas. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Alvarado, Vice Chair; and Bateman.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1163 Prime Sponsor, Representative Fey: Exempting certain leasehold interests in arenas with a seating capacity of more than 2,000 from the leasehold excise tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1170 Prime Sponsor, Representative Street: Improving climate resilience through updates to the state's integrated climate response strategy. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Couture; and Goehner.

Referred to Committee on Appropriations

January 26, 2023

HB 1171 Prime Sponsor, Representative Mosbrucker: Modifying the motorcycle safety education advisory board. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1191

Prime Sponsor, Representative Springer: Reauthorizing the business and occupation tax deduction for cooperative finance organizations. Reported by Committee on Finance

Referred to Committee on Rules for second reading

January 26, 2023

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1207

Prime Sponsor, Representative Senn: Preventing and responding to harassment, intimidation, bullying, and discrimination in schools. Reported by Committee on Education

HB 1237

Prime Sponsor, Representative Robertson: Redistributing the vehicle identification number inspection fee. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

January 27, 2023

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Stonier and Timmons.

HB 1262

Prime Sponsor, Representative Walen: Establishing a lump sum reporting system. Reported by Committee on Civil Rights & Judiciary

MINORITY recommendation: Do not pass. Signed by Representatives McEntire, Assistant Ranking Minority Member; and Steele.

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude and Walen.

MINORITY recommendation: Without recommendation. Signed by Representative Sandlin.

Referred to Committee on Rules for second reading

January 26, 2023

Referred to Committee on Rules for second reading

January 27, 2023

HB 1222

Prime Sponsor, Representative Orwall: Requiring coverage for hearing instruments. Reported by Committee on Health Care & Wellness

HB 1277

Prime Sponsor, Representative Donaghy: Establishing rules to improve the consistency and quality of the implementation of the fundamental courses of study for paraeducators. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier and Tharinger.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

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

Referred to Committee on Rules for second reading

January 27, 2023

MINORITY recommendation: Without recommendation. Signed by Representative Graham.

Referred to Committee on Appropriations

January 27, 2023

HB 1234

Prime Sponsor, Representative Goodman: Concerning the civil forfeiture of animals seized for abuse or neglect. Reported by Committee on Civil Rights & Judiciary

HB 1284

Prime Sponsor, Representative Corry: Reforming the real estate agency law. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude and Walen.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

January 27, 2023

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Ranking Minority Member.

HB 1312

Prime Sponsor, Representative Rude: Concerning jury service. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude and Walen.

Referred to Committee on Rules for second reading

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 adjourned until 9:55 a.m., Tuesday, January 31, 2023, the 23rd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk



## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## TWENTY THIRD DAY

House Chamber, Olympia, Tuesday, January 31, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1680 by Representative Kretz

AN ACT Relating to protecting intercounty rural library districts' ability to fund public library services through exclusion from tax increment financing apportionment; and amending RCW 39.114.010 and 39.114.050.

Referred to Committee on Finance.

HB 1681 by Representatives Stearns, Lekanoff, Davis, Leavitt, Reeves, Pollet and Orwall

AN ACT Relating to problem gambling; amending RCW 41.05.750, 67.70.340, 82.04.285, 82.04.286, and 9.46.071; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Regulated Substances & Gaming.

HB 1682 by Representatives Maycumber, Chapman, Barnard, Reeves, Riccelli, Bateman, Springer, Volz, Chambers, Mosbrucker, Robertson, Leavitt, Jacobsen, Christian and Rule

AN ACT Relating to the Washington auto theft prevention authority account; and amending RCW 46.66.080.

Referred to Committee on Appropriations.

HB 1683 by Representatives Barnard, Macri, Harris, Walen, Caldier, Gregerson, Christian and Riccelli

AN ACT Relating to health carriers offering dental only coverage; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1684 by Representatives Slatter and Lekanoff

AN ACT Relating to clarifying procedures for federally recognized tribes to report standard occupational classifications or job titles of workers under the employment security act; and amending RCW 50.12.070.

Referred to Committee on Labor & Workplace Standards.

HB 1685 by Representatives Rule, Dent, Eslick and Pollet

AN ACT Relating to resource and assessment centers; and amending RCW 74.15.311.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1686 by Representatives Lekanoff, Kretz, Chapman, Dent, Doglio, Barkis, Springer, Hutchins, Peterson, Reed, Stokesbary, Fey, Timmons, Robertson, Leavitt, Reeves, Ortiz-Self, Ramel and Pollet

AN ACT Relating to salmon recovery reform; reenacting and amending RCW 44.04.260; adding new sections to chapter 44.04 RCW; and creating a new section.

Referred to Committee on Agriculture and Natural Resources.

HB 1687 by Representatives Eslick, Goodman, Low, Robertson, Leavitt, Bronoske, Barkis and Dent

AN ACT Relating to vehicle service fees; amending RCW 46.17.040; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1688 by Representatives Hackney and Barkis

AN ACT Relating to payments to tow truck operators for the release of vehicles to indigent citizens; amending RCW 46.55.115 and 46.55.120; and adding a new section to chapter 46.55 RCW.

Referred to Committee on Transportation.

HB 1689 by Representatives Doglio, Bateman and Pollet

AN ACT Relating to forest practices in cities; amending RCW 76.09.240; and creating a new section.

Referred to Committee on Agriculture and Natural Resources.

HB 1690 by Representatives Reeves, Leavitt and Jacobsen

AN ACT Relating to creating exemptions from certificate of need requirements for kidney disease centers due to temporary emergency situations; and adding a new section to chapter 70.38 RCW.

Referred to Committee on Health Care & Wellness.

HB 1691 by Representatives Connors, Chapman, Maycumber, Robertson, Rude, Couture, Sandlin, Volz, McClintock, Graham, Cheney, McEntire, Corry, Schmidt, Hutchins, Low, Klicker, Jacobsen, Barnard, Eslick, Christian and Barkis

AN ACT Relating to expanding penalties for the crime of attempting to elude a pursuing police vehicle; amending RCW 46.61.024, 9.94A.515, and 9.94A.834; reenacting and amending RCW 9.94A.533; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1692 by Representatives Bergquist, Christian, Gregerson, Santos, Pollet, Macri and Simmons

AN ACT Relating to increasing youth engagement in the legislative process by creating student advisory groups to examine issues important to youth; amending RCW 43.15.095; adding a new section to chapter 28A.345 RCW;

adding a new chapter to Title 44 RCW; and creating a new section.

Referred to Committee on Education.

HB 1693 by Representatives Lekanoff, Chopp, Reed, Leavitt, Reeves, Eslick, Ortiz-Self, Ramel, Pollet, Macri and Timmons

AN ACT Relating to expanding the students experiencing homelessness and foster youth pilot program; and amending RCW 28B.50.916 and 28B.77.850.

Referred to Committee on Appropriations.

HB 1694 by Representatives Alvarado, Tharinger, Berry, Lekanoff, Reed, Leavitt, Fitzgibbon, Callan, Santos, Chopp, Ortiz-Self, Senn, Taylor, Pollet, Macri, Riccelli and Simmons

AN ACT Relating to addressing home care workforce shortages; amending RCW 18.88B.021, 18.88B.031, 18.88B.041, and 74.39A.076; reenacting and amending RCW 18.88B.010; adding a new section to chapter 74.39A RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1695 by Representatives Alvarado, Lekanoff, Reed, Santos, Senn, Ramel, Pollet, Macri and Simmons

AN ACT Relating to defining affordable housing for purposes of using surplus public property for public benefit; and amending RCW 39.33.015.

Referred to Committee on Housing.

HB 1696 by Representatives Davis, Mosbrucker, Orwall, Griffey, Duerr, Reed, Leavitt, Barnard, Walen, Eslick, Ramel and Pollet

AN ACT Relating to stalking-related offenses; amending RCW 9A.46.110; and repealing RCW 9A.90.130.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1697 by Representatives Walsh, Corry, Eslick, Schmick, Jacobsen and Schmidt

AN ACT Relating to making the early achievers quality rating and improvement system voluntary; amending RCW 26.44.272, 43.216.085, 43.216.087, 43.216.089, 43.216.090, 43.216.110, 43.216.255, 43.216.515, 43.216.555, 43.216.578, 43.216.578, 43.216.742, and 43.31.575; reenacting and amending RCW 43.216.135; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

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, 2023

HB 1019 Prime Sponsor, Representative Dent: Creating the pesticide advisory board. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1051 Prime Sponsor, Representative Leavitt: Concerning robocalling and telephone scams. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Chapman; Donaghy; Hackney; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; Connors; and Sandlin.

Referred to Committee on Rules for second reading

January 26, 2023

HB 1058 Prime Sponsor, Representative Paul: Streamlining the licensing process for a commercial driver's license by allowing the department to waive requirements for applicants that previously surrendered the license, allowing the license to be renewed online, and modifying the license test fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1069 Prime Sponsor, Representative Leavitt: Adopting the mental health counselor compact. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1073 Prime Sponsor, Representative Harris: Concerning medical assistants. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member; and Graham.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1080 Prime Sponsor, Representative Taylor: Concerning body worn cameras. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1088 Prime Sponsor, Representative Walen: Concerning the uniform family law arbitration act. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude and Walen.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1089 Prime Sponsor, Representative Orwall: Supporting adults with lived experience of sex trafficking. Reported by Committee on Human Services, Youth, & Early Learning

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

Referred to Committee on Appropriations

January 27, 2023

HB 1094 Prime Sponsor, Representative Stonier: Creating the Washington future fund program. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Ranking Minority Member; and Walsh.

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

Referred to Committee on Appropriations

January 27, 2023

HB 1143 Prime Sponsor, Representative Berry: Concerning requirements for the purchase or transfer of firearms. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; and Rude.

Referred to Committee on Appropriations

January 27, 2023

HB 1169 Prime Sponsor, Representative Simmons: Concerning legal financial obligations. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; and Rude.

Referred to Committee on Appropriations

January 27, 2023

HB 1197 Prime Sponsor, Representative Bronoske: Defining attending provider and clarifying other provider functions for workers' compensation claims, and adding psychologists as attending providers for mental health only claims. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Appropriations

January 27, 2023

HB 1200 Prime Sponsor, Representative Alvarado: Requiring public employers to provide employee information to exclusive bargaining representatives. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

January 25, 2023

HB 1202 Prime Sponsor, Representative Ormsby: Eliminating accounts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1204 Prime Sponsor, Representative Callan: Implementing the family connections program. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

January 27, 2023

HB 1221 Prime Sponsor, Representative Stearns: Concerning the privacy of lottery players. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson and Mena.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1226 Prime Sponsor, Representative Chapman: Providing for recreational licensing of smelt, crawfish, and carp. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Kloba; Lekanoff and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz; Orcutt; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1232 Prime Sponsor, Representative Bergquist: Enhancing the college bound scholarship program. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; and Chandler.

Referred to Committee on Appropriations

January 27, 2023

HB 1235 Prime Sponsor, Representative Chapman: Modifying miscellaneous provisions impacting department of fish and wildlife licensing requirements. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Lekanoff; Orcutt and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler, Assistant Ranking Minority Member; Kretz; and Schmick.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1240 Prime Sponsor, Representative Peterson: Establishing firearms-related safety measures to increase public safety. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; and Rude.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1251 Prime Sponsor, Representative Stonier: Concerning water systems' notice to customers of public health considerations. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner,

Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1267 Prime Sponsor, Representative Tharinger: Concerning rural public facilities sales and use tax. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Finance

January 27, 2023

HB 1287 Prime Sponsor, Representative Thai: Concerning dental hygienists. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1288 Prime Sponsor, Representative Reeves: Concerning the department of veterans affairs. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

January 27, 2023

HB 1296 Prime Sponsor, Representative Peterson: Concerning consolidating local permit review processes. Reported by Committee on Local Government

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

Referred to Committee on Appropriations

January 26, 2023

HB 1302 Prime Sponsor, Representative Timmons: Concerning the vehicle report of sale. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority

Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1306 Prime Sponsor, Representative Tharinger: Addressing equity and efficiencies in public works procurement including modifying small works roster requirements. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

January 27, 2023

HB 1326 Prime Sponsor, Representative Cortes: Waiving municipal utility connection charges for certain properties. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

MINORITY recommendation: Without recommendation. Signed by Representative Goehner, Ranking Minority Member.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1327 Prime Sponsor, Representative Caldier: Concerning faculty in dental schools. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1340 Prime Sponsor, Representative Riccelli: Concerning actions by health professions disciplining authorities against license applicants and license holders. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Bronoske; Davis; Harris; Macri; Orwall; Simmons; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Barnard; Graham; and Mosbrucker.

There being no objection, the House adjourned until 10:30 a.m., Wednesday, February 1, 2023, the 24th Day of the 2023 Regular Session.

MINORITY recommendation: Without recommendation. Signed by Representative Maycumber.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

Referred to Committee on Rules for second reading

January 27, 2023

HB 1352 Prime Sponsor, Representative Stearns: Authorizing tribal investment in county investment pools. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goechner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

January 27, 2023

HB 1469 Prime Sponsor, Representative Hansen: Concerning access to reproductive health care services and gender-affirming treatment in Washington state. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; and Rude.

MINORITY recommendation: Without recommendation. Signed by Representative Cheney.

Referred to Committee on Rules for second reading

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 eighth order of business.

### MOTIONS

There being no objection, the Committee on Community Safety, Justice, & Reentry was relieved of HOUSE BILL NO. 1380, and the bill was referred to the Committee on Appropriations.

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

HOUSE BILL NO. 1103  
HOUSE BILL NO. 1128  
HOUSE BILL NO. 1210

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

HOUSE BILL NO. 1007  
HOUSE BILL NO. 1049  
HOUSE BILL NO. 1107

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## TWENTY FOURTH DAY

House Chamber, Olympia, Wednesday, February 1, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Washington National Guard Color Guard. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chaplain Jeff Owen, Washington National Guard.

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

The National Anthem was performed by Master Sergeant Tracy Thurston, Washington Air National Guard.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4610**, by Representatives Jinkins, Wilcox, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gochner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, and Ybarra

WHEREAS, The Washington National Guard, with more than eight thousand serving members, continues to showcase their loyalty in service to their state and the country as guardians of American interests at home and abroad; and

WHEREAS, These steadfast leaders imbue their historic duty by volunteering their time and putting aside their personal lives to support their country, their state, and those in need; and

WHEREAS, The Guard, through its diligent counsel, continues to respect the principles of diversity, equity, and inclusion as Washington state seeks to move beyond the global Coronavirus pandemic without forgetting the most vulnerable; and

WHEREAS, The Guard displays the value of selfless service by being ready to respond to floods, wildfires, and other natural disasters, as the Washington National Guard showcased in their relief efforts in Lewis County and Leavenworth, helping communities deal with rising water levels and record snow fall; and

WHEREAS, The Guard continues to honor the sanctity of our democracy by providing additional security to guard against cyber threats to elections; and

WHEREAS, Integrity continues to float atop the Washington National Guard's principle concerns as evidenced by the wide range of educational services and youth and community activities the Guard has long committed to providing to enrich the quality and prosperity of life in the evergreen state; and

WHEREAS, Washington National Guard soldiers continue to personify the value of personal courage by providing critical support to missions both foreign and domestic and bravely putting their lives on the line to protect our freedoms, safeguard our lives, and ensure the continued prosperity of our democracy; and

WHEREAS, These citizen soldiers in the Washington National Guard, who reside in every legislative district, provide the leadership and value-driven service that protects Washington state and allows the economy to thrive, distributing much needed resources to the citizens and communities that inhabit this most prosperous and environmentally conscious state – a beacon for the nation;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives extend its sincerest appreciation to our soldiers in the Washington National Guard and to the passionate devotion of their families and dedicated employers, whose assistance ensures the Guard's missions are always completed with direct leadership and unremitted personal courage; and

BE IT FURTHER RESOLVED, That the House of Representatives duly recognize the value of a strong Washington National Guard to the strength, stability, and economic vitality of this state, not only through its vital state emergency and disaster relief mission, but also through its value-driven community services that continue to benefit local communities, providing access to education, productive employment, and helping individuals live healthy, meaningful lives; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Adjutant General of the Washington National Guard, the Governor of the state of Washington, and the Secretaries of the United States Army and Air Force.

Representative Bronoske moved adoption of HOUSE RESOLUTION NO. 4610.

Representatives Bronoske, Couture, Donaghy and Graham spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4610 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) is pleased to recognize and thank Major General Bret Daugherty, the Adjutant General; Colonel Lita Rakhra, Deputy Chief of Staff Washington National Guard; Colonel Chris Blanco, Director of Personnel, Washington Army National Guard and members of the Washington National Guard.

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

## INTRODUCTION &amp; FIRST READING

HB 1698 by Representatives Kretz, Chapman, Lekanoff, Dent, Maycumber, Springer, Morgan and Eslick

AN ACT Relating to providing flexibility for the department of fish and wildlife to collaborate with local governments to manage gray wolves; amending RCW 77.12.020; adding a new section to chapter 36.01 RCW; and creating a new section.

Referred to Committee on Agriculture and Natural Resources.

HB 1699 by Representatives Kretz, Chapman, Lekanoff, Schmick, Springer, Dent and Morgan

AN ACT Relating to establishing salaries for the Washington fish and wildlife commission; amending RCW 77.04.060 and 43.03.310; and creating a new section.

Referred to Committee on Agriculture and Natural Resources.

HB 1700 by Representatives Kretz, Chapman, Dent, Barnard, Ormsby and Timmons

AN ACT Relating to establishing a memorial on the capitol campus to commemorate eastern Washington; and adding new sections to chapter 43.34 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1701 by Representatives Callan, Stonier, Simmons, Senn, Reed, Kloba, Pollet, Santos, Ortiz-Self, Ormsby, Macri and Bergquist

AN ACT Relating to assigning the superintendent of public instruction the responsibility for the delivery and oversight of basic education services to justice-involved youth served through institutional education programs in facilities that are not under the jurisdiction of the department of social and health services; amending RCW 28A.300.040; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.190 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Education.

HB 1702 by Representatives Orcutt, Abbarno, Volz and Jacobsen

AN ACT Relating to imposing a local sales tax wholly credited against the state sales tax to support programs for senior citizens; adding a new section to chapter 82.14 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government.

HB 1703 by Representatives Orcutt, Abbarno, Volz, Jacobsen and Eslick

AN ACT Relating to imposing local property tax levies wholly credited against the state property tax to provide support and services for veterans' assistance and for persons with developmental disabilities or mental health needs; amending RCW 71.20.110 and 73.08.080; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government.

HB 1704 by Representatives Orcutt, Barnard, Volz, Jacobsen and Eslick

AN ACT Relating to reducing the state sales and use tax rate; amending RCW 82.08.020; and providing an effective date.

Referred to Committee on Finance.

HB 1705 by Representatives Griffey, Couture and Wylie

AN ACT Relating to stormwater control facilities and county jurisdiction; and amending RCW 36.89.050 and 36.89.080.

Referred to Committee on Local Government.

HB 1706 by Representatives Entenman, Chapman, Ramel, Jacobsen, Reed, Doglio, Thai, Ryu, Fitzgibbon, Bateman, Fey, Berry, Orwall, Callan, Robertson, Ormsby, Eslick, Duerr, Slatter and Macri

AN ACT Relating to the operation, authorization, and permitting of microenterprise home kitchens; adding a new

section to chapter 69.07 RCW; adding a new section to chapter 70.54 RCW; adding a new chapter to Title 69 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Local Government.

HB 1707 by Representatives Kloba, Reed and Eslick

AN ACT Relating to bingo conducted by bona fide charitable or nonprofit organizations; and amending RCW 9.46.0205.

Referred to Committee on Regulated Substances & Gaming.

HB 1708 by Representatives Volz, Abbarno, Walsh, Schmidt, Schmick, Corry, Couture, Hutchins, Harris, Dent, Low, Klicker, Cheney, McClintock, Chambers, Robertson, Barnard, Sandlin, Jacobsen and Eslick

AN ACT Relating to requiring each ballot to have a unique serial number that permits a voter to view their voted ballot through an online portal; amending RCW 29A.40.091, 29A.40.130, and 42.56.420; and adding a new section to chapter 29A.40 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1709 by Representatives Tharinger, Macri, Alvarado, Ramel and Reed

AN ACT Relating to housing programs administered by the department of commerce; amending RCW 43.185.010, 43.185.030, 43.185.070, 43.185.074, 43.185.080, 43.185A.010, 43.185A.020, 43.185A.060, 43.185A.070, 18.85.311, 31.04.025, 39.35D.080, 43.63A.680, 43.79.201, 43.185C.200, 43.185C.210, 47.12.063, 59.24.060, 82.14.400, and 82.45.100; reenacting and amending RCW 43.185.050; adding new sections to chapter 43.185A RCW; adding a new section to chapter 42.56 RCW; adding a new section to chapter 43.185B RCW; recodifying RCW 43.185.010, 43.185.030, 43.185.050, 43.185.070, 43.185.074, 43.185.080, and 43.185.110; and repealing RCW 43.185.015, 43.185.020, 43.185.060, 43.185.076, 43.185.090, 43.185.100, 43.185.120, 43.185.130, 43.185.140, 43.185.910, 43.185A.030, 43.185A.050, 43.185A.080, 43.185A.090, 43.185A.100, 43.185A.110, 43.185A.120, and 43.185A.900.

Referred to Committee on Capital Budget.

HB 1710 by Representatives Rude, Stokesbary, Sandlin, Jacobsen and Eslick

AN ACT Relating to using COVID-19 relief funding on high quality tutoring and rigorous extended learning programs; creating new sections; making an appropriation; and providing expiration dates.

Referred to Committee on Appropriations.

HB 1711 by Representatives Chapman, Tharinger, Lekanoff, Ryu, Callan, Reed, Volz, Kloba, Stearns, Stokesbary and Santos

AN ACT Relating to providing a sales and use tax exemption related to internet and telecommunications infrastructure projects involving a federally recognized Indian tribe; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

HB 1712 by Representatives Schmick and Chapman

AN ACT Relating to protecting workers displaced as a result of finfish aquaculture facility closures; and amending RCW 50.04.075.



Referred to Committee on Labor & Workplace Standards.

HB 1713 by Representatives Maycumber, Chapman, Mosbrucker, Walsh, Ybarra, Tharinger, McEntire, Graham, Sandlin, Volz, Griffey, Couture, Kretz, Dent, Schmick, Barnard, Eslick and Timmons

AN ACT Relating to increasing access to health care services in rural and underserved areas of the state; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

HB 1714 by Representatives Stonier, Senn, Callan, Kloba, Santos, Bergquist and Timmons

AN ACT Relating to allowing school districts to apply for financial literacy education professional development grants for three or fewer school years; and amending RCW 28A.300.466.

Referred to Committee on Appropriations.

HB 1715 by Representatives Davis, Mosbrucker, Duerr, Griffey, Walen, Lekanoff, Morgan, Callan, Ramel, Thai, Rule, Ryu, Kloba, Chopp, Pollet, Chapman, Mena, Cortes, Eslick, Bergquist and Fey

AN ACT Relating to enacting comprehensive protections for victims of domestic violence and other violence involving family members or intimate partners; amending RCW 10.97.050, 10.21.050, 7.105.155, 7.105.255, 7.105.450, 7.105.500, 10.99.020, 10.99.033, 10.99.040, 10.99.045, 10.99.100, 9.41.340, 9.41.345, 9.41.800, 9.41.801, 9.41.804, 7.105.340, 40.24.030, 42.17A.710, and 10.31.100; reenacting and amending RCW 7.105.310 and 10.99.030; adding a new section to chapter 10.99 RCW; adding new sections to chapter 2.56 RCW; adding new sections to chapter 43.101 RCW; adding new sections to chapter 2.53 RCW; adding a new section to chapter 7.105 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 43.20A RCW; and adding a new section to chapter 28B.20 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1716 by Representatives Rule, Corry, Stokesbary, Reeves, Chapman, Jacobsen and Eslick

AN ACT Relating to supporting employers providing child care assistance to employees by establishing a business and occupation tax credit for businesses and requiring the department of revenue to provide a report to the legislature; adding a new section to chapter 82.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

HB 1717 by Representatives Rule, Corry, Paul, Stonier, Chapman, Duerr and Timmons

AN ACT Relating to supporting innovation at associate development organizations; adding new sections to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1718 by Representatives Rule, Mena, Leavitt, Paul, Bronoske, Lekanoff, Reed, Pollet and Timmons

AN ACT Relating to creating the "parks Rx" health and wellness pilot programs; creating new sections; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1719 by Representatives Walsh and Jacobsen

AN ACT Relating to modifying the hours of operation for the Interstate 405 express toll lanes and high occupancy vehicle lanes; amending RCW 47.52.025 and 47.56.880; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

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, 2023

HB 1186 Prime Sponsor, Representative Rule: Making permanent and expanding the child welfare housing assistance program. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; and Walsh.

Referred to Committee on Appropriations

January 27, 2023

HB 1188 Prime Sponsor, Representative Senn: Concerning individuals with developmental disabilities that have also received child welfare services. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

January 31, 2023

HB 1297 Prime Sponsor, Representative Reeves: Establishing a task force of the geoduck comanagers to identify harvest opportunities to promote tribal treaty rights to geoduck and enhance state geoduck harvest opportunities. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

January 31, 2023

**HB 1322**

Prime Sponsor, Representative Rude:  
Concerning the Walla Walla water 2050 plan.  
Reported by Committee on Agriculture and  
Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Capital Budget

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 sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 1103, by Representatives Fey, Barkis and Wylie**

**Avoiding interest arbitrage charges on bond proceeds in the capital vessel replacement account.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1103 was substituted for House Bill No. 1103 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1103 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 Fey and Barkis spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Ramel, Representative Taylor was excused.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1103.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1103, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt,

Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Taylor

SUBSTITUTE HOUSE BILL NO. 1103, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1128, by Representatives Bateman, Reed, Taylor, Doglio, Macri, Caldier, Simmons, Thai, Bergquist, Wylie, Kloba, Ormsby and Tharinger**

**Raising the residential personal needs allowance.**

The bill was read the second time.

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

Representatives Bateman and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1128.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1128, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Taylor

HOUSE BILL NO. 1128, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1210, by Representatives Rude, Callan, Fey and Bergquist**

**Concerning the recording of school board meetings.**

The bill was read the second time.

Representative Rude moved the adoption of amendment (004):

On page 3, beginning on line 11, after "for" strike all material through "years" on line 12 and insert "at least one year"

Representatives Rude and Ramos spoke in favor of the adoption of the amendment.

Amendment (004) 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 Rude and Ramos spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1210.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1210, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Schmick  
Excused: Representative Taylor

ENGROSSED HOUSE BILL NO. 1210, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1007, by Representatives Paul, Stokesbary, Bergquist, Leavitt, Simmons, Griffey, Callan, Doglio, Timmons, Reeves, Bronoske, Shavers, Riccelli and Ormsby**

**Concerning interruptive military service credit for members of the state retirement systems.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1007 was substituted for House Bill No. 1007 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1007 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 Paul and Couture spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1007.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1007, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli,

Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Taylor

SUBSTITUTE HOUSE BILL NO. 1007, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1049, by Representatives Doglio, Bateman, Riccelli and Ormsby**

**Updating timelines for adopting county commissioner district boundaries following expansion from three to five commissioners.**

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1049.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1049, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Taylor

HOUSE BILL NO. 1049, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Bateman congratulated Representative Doglio on the passage of her first bill through the House since returning to the body, and asked the Chamber to acknowledge her accomplishment.

### SECOND READING

**HOUSE BILL NO. 1107, by Representatives Fosse, Reed, Berry, Ramel, Doglio, Simmons, Reeves, Kloba, Riccelli and Ormsby**

**Concerning removing the terms "master" and "servant" from Titles 50 and 50A.**

The bill was read the second time.

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

Representatives Fosse and Connors spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1107.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1107, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Taylor

HOUSE BILL NO. 1107, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Cortes congratulated Representative Fosse on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1218, by Representatives Bergquist, Stokesbary, Tharinger, Doglio and Macri**

**Adding a new caseload for the official caseload forecast for the number of people eligible for the working families' tax credit under RCW 82.08.0206.**

The bill was read the second time.

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

Representatives Bergquist and Stokesbary spoke in favor of the passage of the bill.

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

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1218, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt,

Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Taylor

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

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

#### MOTIONS

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

HOUSE BILL NO. 1015  
HOUSE BILL NO. 1120  
HOUSE BILL NO. 1326

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

HOUSE BILL NO. 1165  
HOUSE BILL NO. 1237  
HOUSE BILL NO. 1287  
HOUSE BILL NO. 1302

There being no objection, the House adjourned until 10:30 a.m., Wednesday, February 1, 2023, the 24th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

TWENTY FIFTH DAY

House Chamber, Olympia, Thursday, February 2, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Karsten Stuyt and Sommer Zurinkas. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chaplain Dave Wright, University of Puget Sound.

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.

MESSAGES FROM THE SENATE

Wednesday, February 1, 2023

Mme. Speaker:

The Senate has passed:

- SENATE BILL NO. 5000
- SUBSTITUTE SENATE BILL NO. 5028
- SENATE BILL NO. 5036
- SENATE BILL NO. 5065
- SUBSTITUTE SENATE BILL NO. 5081
- SUBSTITUTE SENATE BILL NO. 5087
- SUBSTITUTE SENATE BILL NO. 5121
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5173
- SUBSTITUTE SENATE BILL NO. 5208
- SUBSTITUTE SENATE BILL NO. 5210
- SUBSTITUTE SENATE BILL NO. 5286
- ENGROSSED SENATE BILL NO. 5336

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, February 1, 2023

Mme. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8403

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, February 1, 2023

Mme. Speaker:

The Senate reconsidered the following measures and, pursuant to Article 3, Section 12 of the State Constitution, passed the measures over the Governor's objections:

- ENGROSSED SENATE BILL NO. 5017 (2021)
- SUBSTITUTE SENATE BILL NO. 5810 (2022)

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

INTRODUCTION & FIRST READING

HB 1720 by Representatives Chapman, Dent, Lekanoff, Kretz, Volz, Klicker, Schmidt, Schmick, Couture, Goehner, Chambers, Ybarra, Stokesbary, Robertson, Sandlin, Christian, Reeves, Morgan, Orcutt, Corry, Barkis, Graham, Dye, Hutchins and Cheney

AN ACT Relating to the protection and restoration of riparian areas through the establishment of a fully voluntary, regionally focused riparian grant program designed to improve the ecological functions of critical riparian management zones; adding a new section to chapter 89.08 RCW; adding a new section to chapter 77.85 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture and Natural Resources.

HB 1721 by Representatives Paul, Stokesbary, Leavitt, Graham, Reed, Santos, Pollet, Shavers and Bergquist

AN ACT Relating to skill center class size; amending RCW 28A.150.260 and 28A.150.260; providing an effective date; and providing an expiration date.

Referred to Committee on Appropriations.

HB 1722 by Representatives Doglio, Chapman, Leavitt, Christian and Reed

AN ACT Relating to compensation for tow truck operators for keeping the public roadways clear; and amending RCW 46.44.110.

Referred to Committee on Transportation.

HB 1723 by Representatives Duerr, Taylor, Morgan, Gregerson, Ramel, Reed, Santos, Pollet and Macri

AN ACT Relating to equity and environmental justice in the growth management act; amending RCW 36.70A.020, 36.70A.030, and 36.70A.140; and reenacting and amending RCW 36.70A.070 and 36.70A.130.

Referred to Committee on Local Government.

HB 1724 by Representatives Bateman, Macri, Taylor, Berry, Tharinger, Slatter, Callan, Leavitt, Reed and Shavers

AN ACT Relating to increasing the trained behavioral health workforce; amending RCW 18.83.170, 18.205.140, 18.225.090, and 18.225.140; adding a new section to chapter 28C.18 RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 18.225 RCW; and declaring an emergency.

Referred to Committee on Postsecondary Education & Workforce.

HB 1725 by Representatives Maycumber, Riccelli, Fosse, Doglio, Tharinger, Stonier, Barnard, Hutchins, Graham, Mosbrucker, Christian, Reeves, Walen, Gregerson, Ormsby, Reed, Schmidt, Pollet, Cheney, Shavers, Macri and Leavitt

AN ACT Relating to increased access to insulin for individuals under the age of 21; reenacting and amending RCW 39.26.125; adding new sections to chapter 70.14 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 74.09 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1726 by Representatives Bronoske, Robertson, Griffey, Rule, Leavitt, Schmidt, Chapman, Ryu, Reeves, Graham, Ormsby, Paul and Reed

AN ACT Relating to the director of fire protection's administration and reimbursement of fire service-related training programs; and amending RCW 43.43.934.

Referred to Committee on State Government & Tribal Relations.

HB 1727 by Representatives Chapman, Cheney and Walen

AN ACT Relating to ensuring fairness and consistency for Washington state businesses by leveling the playing field on transaction fees for regulated entities in Washington who process electronic payments; adding a new section to chapter 19.200 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Business.

HB 1728 by Representatives Donaghy, Rule, Reeves, Morgan, Ramel, Reed and Leavitt

AN ACT Relating to creating a statewide resiliency program; adding a new section to chapter 38.52 RCW; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1729 by Representatives Abbarno, Klicker, Volz, Orcutt, Schmidt and Cheney

AN ACT Relating to creating and expanding tax incentives for the research, development, production, and sale of hydrogen fuel products in Washington state; adding new sections to chapter 82.04 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

HB 1730 by Representatives Waters, Stonier, Klicker, Low, Couture, Chambers, Ybarra, Barnard, Schmidt, Street, McClintock, Walen, Hutchins, Caldier and Cheney

AN ACT Relating to allowing youth ages 18 and older to work in establishments traditionally classified as off-limits to persons under the age of 21 in certain specific and limited circumstances; amending RCW 66.44.316; creating a new section; and declaring an emergency.

Referred to Committee on Regulated Substances & Gaming.

HB 1731 by Representatives Waters, Stonier, Klicker, Low, Couture, Chambers, Ybarra, Barnard, Schmidt, McClintock, Santos and Hutchins

AN ACT Relating to complimentary liquor by short-term rental operators; and amending RCW 66.20.010 and 66.24.200.

Referred to Committee on Regulated Substances & Gaming.

HB 1732 by Representatives Bergquist, Stonier, Ormsby and Macri

AN ACT Relating to changing the inflation adjustment index for state salary allocations to schools; and amending RCW 28A.400.205.

Referred to Committee on Appropriations.

HB 1733 by Representatives Paul, Klicker, Leavitt, Schmidt, Reed, Pollet and Shavers

AN ACT Relating to degrees in nursing; amending RCW 28B.50.140 and 28B.15.069; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Postsecondary Education & Workforce.

HB 1734 by Representatives Couture, Chapman, Griffey, Robertson, Walsh, Sandlin, Orcutt, Abbarno, McEntire, Maycumber, Stokesbary and Graham

AN ACT Relating to ensuring adequate notice is provided to local communities when the department of social and health services contracts with a housing provider for individuals qualifying for a less restrictive alternative placement; and amending RCW 71.09.097.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1735 by Representatives Lekanoff, Fitzgibbon, Ramel, Pollet and Macri

AN ACT Relating to adding net ecological gain as a voluntary element of comprehensive plans adopted under the growth management act; amending RCW 36.70A.080, 36.70A.030, and 43.88.090; adding new sections to chapter 36.70A RCW; adding new sections to chapter 77.04 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1736 by Representatives Cortes, Fey, Senn, Ryu, Wylie, Slatter, Reed and Pollet

AN ACT Relating to requiring the department of licensing to collect vehicle odometer readings at the time of original vehicle registration and registration renewal; amending RCW 46.16A.040 and 46.16A.110; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 1737 by Representatives Morgan, Street, Kretz, Waters, Reeves, Reed, Entenman, Donaghy, Cheney, Walsh, Wylie, Stearns, Orwall, Taylor, Chapman, Berg, Graham, Gregerson, Ormsby, Ramel, Santos, Caldier, Pollet, Macri and Fosse

AN ACT Relating to enacting the reconciliation act; amending RCW 43.79.567; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 1738 by Representatives Ryu and Pollet

AN ACT Relating to the state universal communication services program; amending RCW 80.36.630, 80.36.650,

80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700; and providing expiration dates.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

**HB 1739** by Representatives Dent, Eslick and Schmidt

AN ACT Relating to instruction for child care providers; and adding a new section to chapter 43.216 RCW.

Referred to Committee on Human Services, Youth, & Early Learning.

**HB 1740** by Representatives Orcutt, Chapman, Dent, Reeves, Morgan, Chandler, Kretz, Klicker, Tharinger, Graham and Cheney

AN ACT Relating to eligibility, enrollment, and compensation of small forestland owners volunteering for participation in the forestry riparian easement program; and amending RCW 76.13.120, 76.13.130, and 76.13.140.

Referred to Committee on Agriculture and Natural Resources.

There being no objection, the bills and resolutions 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 31, 2023

**HB 1097** Prime Sponsor, Representative Walen: Concerning the sale of cosmetics tested on animals. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

January 31, 2023

**HB 1105** Prime Sponsor, Representative Kloba: Requiring public agencies to provide notice for public comment that includes the last date by which such public comment must be submitted. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

January 31, 2023

**HB 1174** Prime Sponsor, Representative Simmons: Improving access and removing barriers to jail-based voting. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson; Low and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

January 31, 2023

**HB 1272** Prime Sponsor, Representative Bergquist: Concerning publishing, formatting, and distribution of the state and local voters' pamphlets. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Christian, Assistant Ranking Minority Member; Gregerson and Mena.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno, Ranking Minority Member; and Low.

Referred to Committee on Appropriations

January 31, 2023

**HB 1289** Prime Sponsor, Representative Reed: Concerning program administration for the Washington state opportunity scholarship program. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

January 31, 2023

**HB 1317** Prime Sponsor, Representative Pollet: Concerning grassroots lobbying disclosure. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

January 31, 2023

**HB 1330** Prime Sponsor, Representative Christian: Adjusting the threshold for requiring candidate contribution certifications relating to foreign nationals. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

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 sixth order of business.

### SECOND READING

**HOUSE BILL NO. 1015, by Representatives Santos, Ybarra, Bergquist, Stonier, Leavitt, Rude, Jacobsen, Simmons, Reed, Lekanoff, Goodman, Pollet, Ortiz-Self, Callan, Doglio, Reeves, Tharinger, Wylie, Paul, Thai, Springer and Ormsby**

**Concerning minimum employment requirements for paraeducators.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1015 was substituted for House Bill No. 1015 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1015 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 Santos and Rude spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Ramel, Representative Ryu was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1015.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1015, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ryu

SUBSTITUTE HOUSE BILL NO. 1015, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1120, by Representatives Reeves, Corry and Ryu**

**Concerning the best interest standard for annuity transactions.**

The bill was read the second time.

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

Representatives Reeves and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1120.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1120, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Ryu

HOUSE BILL NO. 1120, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Taylor congratulated Representative Reeves on the passage of her first bill through the House since returning to the body, and asked the Chamber to acknowledge her accomplishment.

### SECOND READING

**HOUSE BILL NO. 1326, by Representatives Cortes, Chopp, Berry, Duerr, Farivar, Morgan, Peterson, Ramel, Ryu, Senn, Simmons, Walen, Mena, Reed, Doglio, Pollet, Springer and Macri**

**Waiving municipal utility connection charges for certain properties.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1326 was substituted for House Bill No. 1326 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1326 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 Cortes spoke in favor of the passage of the bill.

Representative Goehner spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1326.

### ROLL CALL



The Clerk called the roll on the final passage of Substitute House Bill No. 1326, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, Christian, Corry, Dent, Dye, Goehner, Graham, Klicker, Kretz, McEntire, Schmick, Schmidt, Steele, Volz and Walsh

SUBSTITUTE HOUSE BILL NO. 1326, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Fosse congratulated Representative Cortes on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1165, by Representatives Orwall, Reeves, Wylie and Davis**

**Concerning civil remedies for unauthorized disclosure of intimate images.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1165 was substituted for House Bill No. 1165 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1165 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 Orwall and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1165.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1165, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons,

Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1165, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1237, by Representatives Robertson and Fey**

**Redistributing the vehicle identification number inspection fee.**

The bill was read the second time.

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

Representatives Robertson and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1237.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1237, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

HOUSE BILL NO. 1237, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Stokesbary congratulated Representative Robertson on the passage of his first bill through the House since returning to the body, and asked the Chamber to acknowledge his accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1287, by Representatives Thai, Caldier, Graham, Riccelli, Macri, Reed, Pollet and Leavitt**

**Concerning dental hygienists.**

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1287.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1287, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

HOUSE BILL NO. 1287, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1302, by Representatives Timmons, Hutchins, Barkis, Orcutt and Ramel****Concerning the vehicle report of sale.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1302 was substituted for House Bill No. 1302 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1302 was read the second time.

Representatives Timmons and Hutchins spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1302.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1302, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1302, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Rule congratulated Representative Timmons on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

There being no objection, the House adjourned until 9:55 a.m., Friday, February 3, 2023, the 26th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

TWENTY SIXTH DAY

House Chamber, Olympia, Friday, February 3, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

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

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4608**, by Representatives Pollet, Orcutt, Goehner, Berg, and Stokesbary

WHEREAS, It has been the tradition of the Washington State House of Representatives to honor significant and important contributions made by employees; and

WHEREAS, Keenan Konopaski retired as Washington's Legislative Auditor on January 4, 2023, following a thirty-one year career in public service, with eighteen of those years serving the Legislature through his work at the Joint Legislative Audit and Review Committee (JLARC); and

WHEREAS, While serving under the direction of eight different JLARC chairs, Keenan consistently displayed a commitment to rigorous, nonpartisan, objective analysis that has benefited the Legislature, state agencies, and the people of Washington; and

WHEREAS, Keenan oversaw performance audits that together addressed nearly every facet of state government, including competency to stand trial, highway maintenance and preservation, K-12 health benefits, low-income housing, worker's compensation, unemployment benefits, Medicaid, wildfire suppression, and more; and

WHEREAS, Keenan led JLARC and the Citizens Commission for the Performance Measurement of Tax Preferences in developing one of the nation's first state-level systematic reviews of tax preferences, through which he oversaw two hundred and seventy-seven reviews of preferences pertaining to agriculture, aerospace, manufacturing, education, and more; and

WHEREAS, Keenan ensured that the Legislature had relevant and timely information on demand by shifting reports from print to online, adding interactive tools and different formats; and

WHEREAS, To improve visibility of reports and foster implementation of recommendations, Keenan created a policy of notifying committee chairs and ranking members of audit reports on subjects within their committees' jurisdiction; and

WHEREAS, Keenan's insight and dedication to leading-edge approaches brought national recognition for JLARC's work, earning three awards for excellence in research methods, twelve certificates of impact, and four notable document awards from the National Conference of State Legislatures, as well as invitations for JLARC staff members to share their work at national conferences; and

WHEREAS, Keenan has improved the efficiency and effectiveness of state government for all Washingtonians, as agencies implemented over ninety percent of the one hundred seventy-five recommendations issued to agencies under his leadership as Legislative Auditor; and

WHEREAS, Keenan led the effort to incorporate racial-equity analyses into all JLARC performance audits; and

WHEREAS, Keenan's commitment to professional development has benefited the sixty-nine current and former JLARC staff and interns that served under him, and instilled a dedication to producing well-researched, easily understandable, and relevant work for the Legislature; and

WHEREAS, Keenan's willingness to carry on the long-standing office tradition of having a pink flamingo mascot has resulted in numerous purchases of pink flamingo mugs, pens,

stuffed animals, statues, cake toppers, trivets, towels, and flashing lights; and

WHEREAS, Keenan's retirement as Legislative Auditor does not end his state service, as he will continue to serve the citizens of Washington as an adjunct professor at The Evergreen State College and help develop the next generation of public servants, which hopefully will include future JLARC research analysts; and

WHEREAS, Keenan will be missed, but his retirement is well-deserved and we wish him all the best and many camping trips and travels with his family;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives express its sincerest gratitude to Keenan Konopaski for a long career serving the state of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted to Keenan Konopaski.

HOUSE RESOLUTION NO. 4608 was adopted.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4609**, by Representative McClintock

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in every field of endeavor; and

WHEREAS, Clark-Cowlitz Fire Rescue Division Chief Michael Jackson has been awarded the Fire Marshal of the Year Award for 2022 by the Washington State Association of Fire Marshals; and

WHEREAS, Division Chief Jackson has demonstrated leadership and innovation in the field of fire prevention and community risk reduction by creating and expanding programs that increase the safety of both first responders and citizens; and

WHEREAS, The cities in the Clark-Cowlitz Fire Rescue area have adopted the same fire code amendments, and work together as one agency for development, building, plan review, and inspection services. This cooperation was facilitated by Division Chief Jackson; and

WHEREAS, Division Chief Jackson expanded the Community Assistance Referral and Educational Services (CARES) Program into Southwestern Washington allowing for better delivery of health care services to medically fragile members of the community; and

WHEREAS, Division Chief Michael Jackson started a behavioral co-response unit to work in tandem with paramedics by addressing behavioral health and nonlife-threatening emergencies; and

WHEREAS, Division Chief Jackson instituted a fall reduction program to prevent a significant source of injury in his community by educating those most at risk of injury and installing grab bars and other safety devices;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and congratulate Division Chief Jackson on being awarded Fire Marshal of the Year for 2022 as declared by the Washington State Association of Fire Marshals, and for success in community risk prevention; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Division Chief Michael Jackson of Clark-Cowlitz Fire Rescue.

HOUSE RESOLUTION NO. 4609 was adopted.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4611**, by Representative McClintock

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in every field of endeavor; and

WHEREAS, Cindy Arnold, director of career and technical education of the Battleground School District has earned the Region V Administrator of the Year award from the Association for Career and Technical Education; and

WHEREAS, Director Arnold demonstrated creativity and initiative in her duties by pushing Battleground School District toward a stronger career and technical education program; and

WHEREAS, Arnold expanded the knowledge base of Battleground's students by exposing them to a wide range of career options and technical skills and designing Battleground School District's science, technology, engineering, and mathematics (STEM) strategic plan; and

WHEREAS, Arnold started a middle school design modeling and robotics program to introduce younger students to STEM activities at a younger age; and

WHEREAS, Arnold's programs taught heating, ventilation, air conditioning (HVAC), plumbing and electrical, computer programming, and math; and

WHEREAS, When Arnold was the principal of Captain Strong Primary School, she oversaw a program to help students develop skills and serve as greeters, assembly leaders, and recess monitors. Students also participated in interviews with their teachers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives thank Director Cindy Arnold for her hard work in developing the young minds of the future; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Cindy Arnold, director of career and technical education for Battleground School District.

HOUSE RESOLUTION NO. 4611 was adopted.

### RESOLUTION

**HOUSE RESOLUTION NO. 2023-4612**, by Representative Couture

WHEREAS, Washington state boasts the most dedicated and honorable members of law enforcement that protect and serve our communities selflessly; and

WHEREAS, Within the state of Washington, former Mason County Sheriff Casey Salisbury oversaw the just and accurate dispensation of law enforcement duties for both the Thurston County Sheriff's Office, and the Mason County Sheriff's Office; and

WHEREAS, Sheriff Salisbury received his college diploma in 1985 having earned a degree in education, credentials as a public school administrator, and teaching certificate; and

WHEREAS, Sheriff Salisbury served the people of Mason County as a substitute teacher in the Hood Canal and McCleary school districts subsequent to graduation; and

WHEREAS, Sheriff Salisbury began in law enforcement as a reserve deputy with the Mason County Sheriff's Office while substitute teaching; and

WHEREAS, He transitioned careers to full-time law enforcement beginning at the Thurston County Sheriff's Office where he would attain the rank of Lieutenant; and

WHEREAS, Sheriff Salisbury was elected as Mason County Sheriff in 2006 where he would serve the people of Mason County for 16 years, graduate from the FBI Academy, and spearhead a campaign of reinvigorating equipment, policies, and procedures, and hiring the first female deputy in Mason County Sheriff's Office history; and

WHEREAS, Sheriff Salisbury always brought his love of people and zeal for teaching to every position he held, dedicating himself to service, reflecting credit upon himself, the Mason County Sheriff's Office, and all of law enforcement. His efforts

ensured that children, adults, residents, and visitors to Mason County were cared for with excellence;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its thanks and appreciation to the devoted care shown by Sheriff Salisbury during his career in public service as both teacher and eventually chief law enforcement officer of Mason County; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the value and dedication of Sheriff Salisbury to the viability, safety, security, and well-being of this state, both through his outstanding performance at the Mason County Sheriff's Office and through the continued benefit to local communities by the presence of well-equipped and trained law enforcement professionals; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Sheriff Casey Salisbury and the Mason County Sheriff's Office.

HOUSE RESOLUTION NO. 4612 was adopted.

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

### INTRODUCTION & FIRST READING

HB 1741 by Representatives Rule, Leavitt, Reed, Callan, Davis, Berry, Paul, Ramel, Kloba, Reeves, Doglio and Pollet

AN ACT Relating to increased prototypical school formulas to support student health, well-being, and educational outcomes; amending RCW 28A.150.260; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

HB 1742 by Representative Wylie

AN ACT Relating to nontax statutes administered by the department of revenue by modifying provisions of the unclaimed property and business licensing service programs concerning penalty waivers, the department of revenue's express settlement authority, and making technical corrections; amending RCW 19.02.085, 19.150.060, 19.150.080, 19.240.080, 19.240.900, 59.18.312, 59.18.595, 63.30.040, 63.30.690, and 88.26.020; adding a new section to chapter 63.30 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1743 by Representatives Doglio, Volz, Schmidt, Reed, Walen, Ormsby and Pollet

AN ACT Relating to expanding employee ownership; adding new sections to chapter 43.330 RCW; adding a new section to chapter 82.04 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1744 by Representatives Rude, Santos, Schmidt and Pollet

AN ACT Relating to clarifying the responsibilities and accountability for the effective delivery and oversight of public education services to charter school students; amending RCW 28A.710.030, 28A.710.040, 28A.710.070, 28A.710.100, 28A.710.120, 28A.710.140, 28A.710.180, and 28A.710.190; and creating a new section.

Referred to Committee on Education.

HB 1745 by Representatives Thai, Duerr, Doglio, Ormsby and Macri

AN ACT Relating to improving diversity in clinical trials; amending RCW 43.348.040; reenacting and amending RCW 43.348.010; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 70.41 RCW; and adding a new chapter to Title 69 RCW.

Referred to Committee on Health Care & Wellness.

HB 1746 by Representatives Ryu, Berry, Couture, Griffey, Thai, Reed, Gregerson, Sandlin, Tharinger, Walen, Paul, Kloba, Volz, Reeves, Rule and Ormsby

AN ACT Relating to a state broadband map; amending RCW 43.155.160, 43.330.534, and 43.155.165; reenacting and amending RCW 42.56.270; adding a new section to chapter 43.330 RCW; and repealing RCW 43.330.400, 43.330.403, 43.330.406, and 43.330.409.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1747 by Representatives Chapman, Orwall, Duerr, Berry, Leavitt, Jacobsen, Walen, Paul, Kloba and Reeves

AN ACT Relating to seismic safety in Washington public schools; amending RCW 28A.525.159 and 28A.525.320; adding a new section to chapter 28A.630 RCW; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 1748 by Representatives Mosbrucker, Graham, Corry and Caldier

AN ACT Relating to providing enhanced payment to low volume, small rural hospitals; amending RCW 74.09.5225; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1749 by Representatives Chandler and Chopp

AN ACT Relating to promoting instruction in public schools about the historical and cultural contributions of Filipino Americans; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 1750 by Representatives Berg, Reed, Taylor, Cortes, Street, Ramel, Leavitt, Kloba, Tharinger, Fosse, Gregerson, Stonier, Entenman, Reeves, Slatter, Donaghy, Santos, Hackney, Morgan, Timmons, Ormsby, Orwall, Callan, Duerr, Berry, Davis, Chapman, Abbarno, Thai, Senn, Alvarado, Walen, Rule, Doglio, Ryu and Pollet

AN ACT Relating to establishing Yori's law to promote education around water safety and drowning prevention; amending RCW 1.16.050; adding a new section to chapter 1.20 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Relations.

HB 1751 by Representatives Couture, Walsh, Robertson, Stokesbary, Caldier, Griffey, Jacobsen, Volz, Abbarno, Graham, Schmidt, Orcutt and Chambers

AN ACT Relating to siting of sex offender and sexually violent predator facilities; and amending RCW 71.09.099, 71.09.250, and 72.09.290.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1752 by Representatives Dye, Dent, Graham and Eslick

AN ACT Relating to modifying the application of the annual consumptive quantity calculation to change applications related to certain water rights held by the United States bureau of reclamation; and amending RCW 90.03.380.

Referred to Committee on Agriculture and Natural Resources.

HB 1753 by Representatives Bronoske, Leavitt and Reed

AN ACT Relating to changing certain notice provisions in the derelict vessel removal program; and amending RCW 79.100.040 and 79.100.120.

Referred to Committee on Agriculture and Natural Resources.

HB 1754 by Representatives Dent, Dye, Graham, Schmidt and Eslick

AN ACT Relating to evaluating the performance of the department of children, youth, and families in delivering child welfare services; adding a new section to chapter 43.09 RCW; and creating a new section.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1755 by Representatives Farivar, Duerr, Berry, Alvarado, Reed, Ramel, Reeves, Pollet and Macri

AN ACT Relating to establishing the democracy voucher program for contributions to state legislative candidates; amending RCW 42.17A.430, 42.17A.470, and 42.17A.785; adding new sections to chapter 42.17A RCW; and prescribing penalties.

Referred to Committee on State Government & Tribal Relations.

HB 1756 by Representatives Ramel, Klicker, Duerr, Rude, Schmidt, Reed, Kloba, Doglio, Senn, Ryu and Macri

AN ACT Relating to supporting clean energy through tax changes that increase revenue to local governments, schools, and impacted communities; adding a new section to chapter 84.36 RCW; adding a new chapter to Title 82 RCW; and creating new sections.

Referred to Committee on Finance.

SB 5000 by Senators Wagoner, Boehnke, Braun, Conway, Dozier, Frame, Gildon, Hasegawa, Holy, King, Kuderer, MacEwen, Mullet, Muzzall, Pedersen, Rivers, Rolfes, Schoesler, Short, Torres, Warnick, Wellman, Wilson, J. and Wilson, L.

AN ACT Relating to recognizing contributions of Americans of Chinese descent; and adding a new section to chapter 43.117 RCW.

Referred to Committee on State Government & Tribal Relations.

SSB 5028 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Wagoner, Dhingra, Frame, Hunt, Keiser, Kuderer, Liias, Nobles, Randall, Saldaña, Shewmake, Stanford, Wellman and Wilson, C.)

AN ACT Relating to revising the process for individuals to request name changes; and amending RCW 4.24.130.

Referred to Committee on Civil Rights & Judiciary.

SB 5036 by Senators Muzzall, Holy, Van De Wege and Warnick

AN ACT Relating to extending the time frame in which real-time telemedicine using both audio and video technology may be used to establish a relationship for the purpose of providing audio-only telemedicine for certain health care services; and amending RCW 41.05.700, 48.43.735, and 74.09.325.

Referred to Committee on Health Care & Wellness.

SB 5065 by Senators Short, Wellman, Lovick and Valdez

AN ACT Relating to public school instruction in awareness of bone marrow donation; adding a new section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Education.

SSB 5081 by Senate Committee on Human Services (originally sponsored by Nobles, Trudeau, Dhingra, Frame, Hasegawa, Keiser, Lovick, Nguyen, Saldaña, Salomon, Shewmake, Stanford, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.)

AN ACT Relating to victim notification; amending RCW 72.09.712, 72.09.710, and 72.09.714; and adding a new section to chapter 42.56 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

SSB 5087 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Mullet, Billig, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Kuderer, Lias, Lovelett, Nobles, Saldaña, Stanford and Wellman)

AN ACT Relating to removing language from the Revised Code of Washington that has been identified by the justices of the supreme court or judges of the superior courts as defects and omissions in the laws pursuant to Article IV, section 25 of the Washington state Constitution; amending RCW 2.43.040, 2.48.190, 4.16.190, 48.140.010, 6.25.030, 10.105.900, 7.80.120, 9.94A.530, 9A.46.020, 10.05.030, 10.95.030, 10.95.035, 10.95.030, 41.56.0251, 43.135.034, 35A.66.020, and 9A.72.160; and repealing RCW 2.48.210, 4.56.250, 7.48.050, 7.48.052, 7.48.054, 7.48.056, 7.48.058, 7.48.060, 7.48.062, 7.48.064, 7.48.066, 7.48.068, 7.48.070, 7.48.072, 7.48.074, 7.48.076, 7.48.078, 7.48.080, 7.48.085, 7.48.090, 7.48.100, 7.70.150, 9.81.010, 9.81.020, 9.81.030, 9.81.040, 9.81.050, 9.81.060, 9.81.070, 9.81.080, 9.81.082, 9.81.083, 9.81.090, 9.81.110, 9.81.120, 9.91.180, 9.92.100, 10.52.100, 10.58.090, 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080, 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130, 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185, 10.95.190, 10.95.200, 10.95.901, 18.108.190, 35.13.165, 36.105.010, 36.105.020, 36.105.030, 36.105.040, 36.105.050, 36.105.060, 36.105.070, 36.105.080, 36.105.090, 36.105.100, 39.88.010, 39.88.020, 39.88.030, 39.88.040, 39.88.050, 39.88.060, 39.88.070, 39.88.080, 39.88.090, 39.88.100, 39.88.110, 39.88.120, 39.88.130, 39.88.900, 39.88.905, 39.88.910, 41.20.110, 47.44.030, 49.32.072, 49.32.073, 49.32.074, 66.24.480, 66.28.080, 73.04.050, 73.04.060, and 85.05.130.

Referred to Committee on Civil Rights & Judiciary.

SSB 5121 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland)

AN ACT Relating to the joint select committee on health care and behavioral health oversight; reenacting and amending RCW 44.82.010; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 5173 by Senate Committee on Law & Justice (originally sponsored by Stanford, Hasegawa, Kuderer, Pedersen, Saldaña and Trudeau)

AN ACT Relating to property exempt from execution; amending RCW 6.15.010, 6.15.010, and 51.32.040; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

SSB 5208 by Senate Committee on State Government & Elections (originally sponsored by Trudeau, King, Hunt, Nobles, Randall, Keiser, Kuderer, Lovick, Saldaña, Hasegawa, Lias, Conway, Frame, Nguyen, Pedersen, Stanford, Valdez, Wellman and Wilson, C.)

AN ACT Relating to updating the process for online voter registration by allowing voter applicants to provide the last four digits of social security number for authentication; amending RCW 29A.08.123; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

SSB 5210 by Senate Committee on Business, Financial Services, Gaming & Trade (originally sponsored by Stanford, Gildon and Hasegawa)

AN ACT Relating to the best interest standard for annuities in Washington; amending RCW 48.23.015; adding a new section to chapter 48.23 RCW; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

SSB 5286 by Senate Committee on Labor & Commerce (originally sponsored by Robinson, King, Keiser, Lias, Stanford, Wellman and Wilson, C.)

AN ACT Relating to enacting the unanimous recommendations of the paid family and medical leave task force; and amending RCW 50A.10.030.

Referred to Committee on Labor & Workplace Standards.

SB 5336 by Senators Cleveland, Wilson, L., Frame and Mullet

AN ACT Relating to population criteria for the main street trust fund tax credit; and amending RCW 82.73.030.

Referred to Committee on Local Government.

SCR 8403 by Senators Pedersen, Short, Hunt, Lovelett, Nguyen, Nobles and Wilson, C.

Honoring former members of the Senate and House of Representatives of the State of Washington who have passed from this life.

There being no objection, the bills and resolution 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**

February 1, 2023

HB 1079

Prime Sponsor, Representative Thai:  
Concerning rapid whole genome sequencing.  
Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1108 Prime Sponsor, Representative Hackney: Resentencing of individuals sentenced as a persistent offender. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1146 Prime Sponsor, Representative Paul: Notifying high school students and their families about available dual credit programs and any available financial assistance. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1173 Prime Sponsor, Representative Connors: Reducing light pollution associated with certain energy infrastructure. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1189 Prime Sponsor, Representative Hackney: Concerning the release of incarcerated individuals from total confinement prior to the expiration of a sentence. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

February 2, 2023

HB 1230 Prime Sponsor, Representative Callan: Requiring school districts and other public education entities to make information from the department of health available. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Eslick; Harris; Ortiz-Self; Pollet; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives McEntire, Assistant Ranking Minority Member; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Rude, Ranking Minority Member; McClintock; and Sandlin.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1236 Prime Sponsor, Representative Hackney: Enhancing access to clean fuel for agencies providing public transportation. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Rules for second reading

February 1, 2023

HB 1266 Prime Sponsor, Representative Santos: Concerning email communication by the office of the insurance commissioner. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1268 Prime Sponsor, Representative Goodman: Concerning sentencing enhancements. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Rules for second reading

February 1, 2023

HB 1275 Prime Sponsor, Representative Thai: Concerning athletic trainers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1300 Prime Sponsor, Representative Orwall: Concerning fraud in assisted reproduction. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

February 1, 2023

HB 1301 Prime Sponsor, Representative McClintock: Creating license review and reporting requirements. Reported by Committee on Consumer Protection & Business

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

Referred to Committee on Rules for second reading

January 31, 2023

HB 1333 Prime Sponsor, Representative Ramos: Establishing the domestic violent extremism commission. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Appropriations

February 2, 2023

HB 1346 Prime Sponsor, Representative Shavers: Creating the purple star award. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Eslick; Ortiz-Self; Pollet; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives McEntire, Assistant Ranking Minority Member; Harris; McClintock; Sandlin; and Steele.

Referred to Committee on Rules for second reading

February 1, 2023

HB 1360 Prime Sponsor, Representative McClintock: Concerning alternative professional licensing standards. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Appropriations

February 1, 2023

HB 1362 Prime Sponsor, Representative Stearns: Improving government efficiency related to reports by state agencies by eliminating reports, changing the frequency of reports, and providing an alternative method for having information publicly available in place of reports. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1367 Prime Sponsor, Representative Donaghy: Eliminating unnecessary homeless funding budget and auditing requirements. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1416 Prime Sponsor, Representative Doglio: Applying the affected market customer provisions of the Washington clean energy transformation act to nonresidential customers of consumer-owned utilities. Reported by Committee on Environment & Energy



MAJORITY recommendation: Do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

Vice Chair; Chambers, Ranking Minority Member; Cheney; Morgan; Orwall; Reeves; Walsh and Waters.

Referred to Committee on Finance

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Couture; and Goehner.

February 1, 2023

Referred to Committee on Rules for second reading

February 1, 2023

HB 1426 Prime Sponsor, Representative Mena: Concerning campaign contributions by controlled entities. Reported by Committee on State Government & Tribal Relations

HB 1471 Prime Sponsor, Representative Stearns: Modifying state procurement procedures for competitive, sole source, convenience, and emergency goods and services contracts. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

February 2, 2023

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

HB 1544 Prime Sponsor, Representative Alvarado: Concerning shoreline master program review schedules. Reported by Committee on Environment & Energy

Referred to Committee on Rules for second reading

February 2, 2023

HB 1433 Prime Sponsor, Representative Duerr: Concerning energy labeling of residential buildings. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Rules for second reading

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

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 eighth order of business.

**MOTIONS**

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

There being no objection, the Committee on Rules placed the following bills on the second reading calendar:

Referred to Committee on Appropriations

February 1, 2023

HB 1442 Prime Sponsor, Representative Low: Defining synthetic media in campaigns for elective office, and providing relief for candidates and campaigns. Reported by Committee on State Government & Tribal Relations

- HOUSE BILL NO. 1001
- HOUSE BILL NO. 1006
- HOUSE BILL NO. 1008
- HOUSE BILL NO. 1020
- HOUSE BILL NO. 1042
- HOUSE BILL NO. 1054
- HOUSE BILL NO. 1056
- HOUSE BILL NO. 1066
- HOUSE BILL NO. 1068
- HOUSE BILL NO. 1069
- HOUSE BILL NO. 1086
- HOUSE BILL NO. 1113
- HOUSE BILL NO. 1114
- HOUSE BILL NO. 1121
- HOUSE BILL NO. 1213
- HOUSE BILL NO. 1226
- HOUSE BILL NO. 1234
- HOUSE BILL NO. 1251
- HOUSE BILL NO. 1259
- HOUSE BILL NO. 1277
- HOUSE BILL NO. 1312
- HOUSE BILL NO. 1352

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1453 Prime Sponsor, Representative Wylie: Providing a tax exemption for medical cannabis patients. Reported by Committee on Regulated Substances & Gaming

There being no objection, the Committee on Rules placed the following bills on the suspension calendar:

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns,

- HOUSE BILL NO. 1037
- HOUSE BILL NO. 1058

HOUSE BILL NO. 1100  
HOUSE BILL NO. 1171

There being no objection, the House adjourned until 10:30 a.m., Monday, February 6, 2023, the 29th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## TWENTY NINTH DAY

House Chamber, Olympia, Monday, February 6, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall 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 Jordan Anderson and Samantha Garcia-Hernandez. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Mike Ford, Life Community Center, Kirkland.

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 fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1757 by Representatives Corry, Springer, Chapman, Dent and Schmidt

AN ACT Relating to providing a sales and use tax remittance to qualified farmers; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1758 by Representatives Mena, Fitzgibbon, Chapman, Morgan and Reed

AN ACT Relating to permitting for certain hatchery maintenance activities; amending RCW 90.58.355; adding a new section to chapter 90.58 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

HB 1759 by Representatives Santos, Barnard, Robertson, Senn, Callan, Reed, Ormsby, Doglio, Duerr, Peterson and Pollet

AN ACT Relating to establishing January of each year as Chinese American month; adding a new section to chapter 43.117 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1760 by Representatives Barnard, Chapman, Graham, Walen, Sandlin, Eslick, Goodman, McClintock, Ybarra, Volz, Senn, Santos, Doglio and Christian

AN ACT Relating to civil actions alleging violation of the right to be free from discrimination because of 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; amending RCW 49.60.030; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1761 by Representatives Christian, Leavitt, Couture, Low, Rule, Hutchins, Orwall, Dent, Springer, Schmidt, Duerr, Barnard, Shavers, Walen, Timmons, Ryu, Bronoske, Robertson, Senn, Chapman, Santos, Volz and Cheney

AN ACT Relating to increasing the personal property tax exemption; amending RCW 84.36.110; and providing a contingent effective date.

Referred to Committee on Finance.

HB 1762 by Representatives Doglio, Berry, Ramel, Fosse, Reed, Alvarado, Peterson and Pollet

AN ACT Relating to protecting employees of warehouses; adding a new chapter to Title 49 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 1763 by Representatives Eslick, Leavitt, Senn, Callan, Schmidt and Pollet

AN ACT Relating to ensuring completion of conditional scholarship obligations and reducing penalties for excusable incomplete obligations; and amending RCW 28B.115.120.

Referred to Committee on Postsecondary Education & Workforce.

HB 1764 by Representatives Wylie and Orcutt

AN ACT Relating to establishing a method of valuing asphalt and aggregate used in public road construction for purposes of taxation; amending RCW 82.12.010; and creating a new section.

Referred to Committee on Finance.

HB 1765 by Representatives Steele, Chapman and Volz

AN ACT Relating to special occasion liquor licenses for not-for-profit societies or organizations; and amending RCW 66.24.010 and 66.24.380.

Referred to Committee on Regulated Substances & Gaming.

HB 1766 by Representatives Griffey, Davis, Senn, Dent, Callan and Cheney

AN ACT Relating to the creation of a hope card program; adding a new section to chapter 7.105 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

HB 1767 by Representatives Barnard, Stearns, Chapman and Volz

AN ACT Relating to promoting economic development by strengthening the role of the department of commerce in monitoring and providing technical assistance related to federal funding opportunities; amending RCW 43.330.040; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1768 by Representatives Shavers, Barnard, Chapman and Ramel

AN ACT Relating to exempting certain sales of electricity to qualifying green businesses from the public utilities tax; adding a new section to chapter 82.16 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 1769 by Representatives Cortes, Farivar, Fosse, Reed, Ormsby, Reeves, Senn, Alvarado, Ryu and Peterson

AN ACT Relating to juvenile records; amending RCW 13.50.050 and 13.50.260; and adding new sections to chapter 13.50 RCW.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1770 by Representatives Cheney, Chapman, Hutchins, Walsh, Waters, Sandlin, Volz, McClintock, Connors, Corry, Low, Dent, Goehner, Christian and Schmidt

AN ACT Relating to increasing the seriousness level of the crime of unlawful possession of a firearm; and amending RCW 9.94A.515.

Referred to Committee on Civil Rights & Judiciary.

HB 1771 by Representatives Donaghy, Gregerson, Ramel, Morgan, Fosse, Reed, Ormsby, Doglio, Peterson and Pollet

AN ACT Relating to relocation assistance for tenants of closed or converted manufactured/mobile home parks; and amending RCW 59.21.010, 59.21.021, and 59.21.040.

Referred to Committee on Housing.

HB 1772 by Representatives Waters, Orwall, Christian, Sandlin, Cheney, McClintock, Farivar, Timmons, Leavitt, Senn, Rule, Schmidt and Pollet

AN ACT Relating to prohibiting the manufacture, importation, and sale of products that combine alcohol and tetrahydrocannabinol; adding a new section to chapter 69.50 RCW; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Regulated Substances & Gaming.

HB 1773 by Representatives Schmidt, Eslick, Chandler, Klicker, Volz and Christian

AN ACT Relating to the prohibition of competitor objections to new apprenticeship program applications and approvals; reenacting and amending RCW 49.04.010; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 1774 by Representatives Gregerson, Doglio, Berry, Bronoske, Santos, Fosse, Reed, Ormsby and Pollet

AN ACT Relating to public employee salary surveys; amending RCW 41.06.152, 41.06.157, and 41.80.020; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

HB 1775 by Representatives Lekanoff, Chapman, Ramel and Reed

AN ACT Relating to limiting liability for salmon recovery projects performed by regional fisheries enhancement groups; and amending RCW 77.85.050.

Referred to Committee on Agriculture and Natural Resources.

HJR 4206 by Representatives Leavitt, Christian, Couture, Rule, Low, Orwall, Hutchins, Springer, Dent, Duerr, Schmidt, Shavers, Barnard, Walen, Timmons, Ryu, Bronoske, Chapman, Santos and Cheney

Concerning the taxation of personal property.

Referred to Committee on Finance.

SCR 8403 by Senators Pedersen, Short, Hunt, Lovelett, Nguyen, Nobles and Wilson, C.

Honoring former members of the Senate and House of Representatives of the State of Washington who have passed from this life.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SENATE CONCURRENT RESOLUTION NO. 8403, which was read the first time, and under suspension of the rules, was placed on the third reading calendar.

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

## REPORTS OF STANDING COMMITTEES

February 2, 2023

HB 1009

Prime Sponsor, Representative Leavitt:  
Concerning military spouse employment.  
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Innovation, Community & Economic Development, & Veterans. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1245

Prime Sponsor, Representative Barkis:  
Increasing housing options through lot splitting. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1318

Prime Sponsor, Representative Ormsby:  
Concerning retail sales tax exemptions for certain aircraft maintenance and repair.  
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 1, 2023

HB 1321 Prime Sponsor, Representative Donaghy: Extending the expiration date of the ambulance transport fund. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1324 Prime Sponsor, Representative Hackney: Concerning the scoring of prior juvenile offenses in sentencing range calculations. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; and Graham.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

February 1, 2023

HB 1336 Prime Sponsor, Representative Stokesbary: Splitting the volunteer firefighters' and reserve officers' relief and pension principal fund into two accounts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1337 Prime Sponsor, Representative Gregerson: Expanding housing options by easing barriers to the construction and use of accessory dwelling units. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Low; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Connors, Assistant Ranking Minority Member; and Hutchins.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1345 Prime Sponsor, Representative Farivar: Concerning the contribution to costs of privileges by incarcerated individuals. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1349 Prime Sponsor, Representative Orwall: Concerning foreclosure protections. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 1, 2023

HB 1361 Prime Sponsor, Representative Abbarno: Updating statutes related to state employment by removing obsolete language, eliminating unnecessary reports, conforming a reporting period to fiscal year, and modernizing employee pay procedures. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1399 Prime Sponsor, Representative Lekanoff: Establishing a Native American scholarship program. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Hansen; Leavitt; Paul; Pollet and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Klicker; and Schmidt.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1401 Prime Sponsor, Representative Jacobsen: Allowing cities and counties to create a simple, standardized housing permit process for affordable housing units in areas designated for housing. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1481 Prime Sponsor, Representative Cortes: Permitting general authority peace officers certificated by the criminal justice training commission and employed on a full-time basis by the government of a federally recognized tribe to participate in the law enforcement officers' and firefighters' retirement system plan 2. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1503 Prime Sponsor, Representative Riccelli: Collecting health care professionals' information at the time of license application and license renewal. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Klicker; Leavitt; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1563

Prime Sponsor, Representative Kloba: Concerning arrest protections for the medical use of cannabis. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Cheney; Morgan; Orwall and Reeves.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Ranking Minority Member; Walsh; and Waters.

Referred to Committee on Rules for second reading

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 sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 1066, by Representatives Goodman, Abbarno, Simmons and Kloba**

**Making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025.**

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 Goodman spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

**MOTIONS**

On motion of Representative Ramel, Representatives Entenman and Hackney were excused.

On motion of Representative Griffey, Representatives Chandler, Corry and Wilcox were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1066.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1066, and the bill passed the House by the following vote: Yeas, 86; Nays, 7; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie, Ybarra and Yme. Speaker

Voting Nay: Representatives Dent, Graham, McEntire, Robertson, Stokesbary, Volz and Walsh

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

HOUSE BILL NO. 1066, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1086, by Representatives Shavers, Ryu, Ramel, Lekanoff, Callan, Simmons, Timmons, Thai, Paul, Santos, Ormsby and Tharinger**

**Increasing local governments' ability to contract with community service organizations.**

The bill was read the second time.

Representative Shavers moved the adoption of amendment (001):

On page 2, line 25, after "living." insert "The legislature therefore intends to increase the dollar limit from \$25,000 to \$75,000 for smaller agencies. It is the intent of the legislature that this limit apply annually to all contracts entered into by an agency under RCW 35.21.278 in any one year, and that this limit not be interpreted to apply on a per contract basis so as to allow any number of individual contracts of up to \$75,000.

It is the intent of the legislature that this authority be used to provide additional opportunities for public service organizations to meaningfully participate in the betterment of their community, rather than as a way for local agencies to advantage non-profits over other businesses in public contracting."

Representatives Shavers and Goehner spoke in favor of the adoption of the amendment.

Amendment (001) 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 Shavers and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1086.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1086, and the bill passed the House by the following vote: Yeas, 84; Nays, 9; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Leavitt, Lekanoff, Macri, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Dent, Graham, Kretz, Low, Maycumber, McEntire, Volz and Walsh

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

ENGROSSED HOUSE BILL NO. 1086, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Paul congratulated Representative Shavers on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1056, by Representatives Stokesbary, Fitzgibbon, Leavitt, Simmons, Lekanoff, Rule, Griffey, Macri, Bergquist, Wylie and Ormsby**

**Repealing some postretirement employment restrictions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1056 was substituted for House Bill No. 1056 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1056 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 Stokesbary and Macri spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1056.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1056, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

SUBSTITUTE HOUSE BILL NO. 1056, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1054, by Representatives Walen, Simmons, Ryu, Bateman, Ramel, Doglio, Macri, Gregerson, Springer, Thai, Kloba and Donaghy**

**Addressing the authority of owners' associations in common interest communities to regulate or limit occupancy by unrelated persons.**

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 Klicker spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1054.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1054, and the bill passed the House by the following vote: Yeas, 67; Nays, 26; Absent, 0; Excused, 5

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Christian, Cortes, Davis, Doglio, Donaghy, Duerr, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hansen, Hutchins, Jacobsen, Kloba, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Cheney, Connors, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Klicker, Kretz, Maycumber, McEntire, Orcutt, Robertson, Rude, Sandlin, Schmick, Steele, Stokesbary, Volz, Walsh and Ybarra

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

HOUSE BILL NO. 1054, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1008, by Representatives Bronoske, Simmons, Goodman, Leavitt, Bateman, Lekanoff, Callan, Kloba, Santos, Ormsby and Fosse**

**Concerning participating in insurance plans and contracts by separated plan 2 members of certain retirement systems.**

The bill was read the second time.

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

Representatives Bronoske and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1008.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1008, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai,

Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

HOUSE BILL NO. 1008, having received the necessary constitutional majority, was declared passed.

#### SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) recognized the 31st District legislators and their guests from Buena Vista Seventh Day Adventist school in Auburn

#### SECOND READING

**HOUSE BILL NO. 1113, by Representatives Harris, Santos and Stonier**

**Reviewing reprimands for professional educators.**

The bill was read the second time.

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

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

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

Representatives Harris and Santos spoke in favor of the passage of the bill.

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

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1113, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

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

**HOUSE BILL NO. 1069, by Representatives Leavitt, Harris, Riccelli, Simmons, Barkis, Slatter, Ryu, Bateman, Rude, Schmidt, Rule, Goodman, Ybarra, Callan, Doglio, Orwall, Macri, Caldier, Senn, Tharinger, Bronoske, Gregerson, Paul, Wylie, Stonier, Kloba, Ormsby and Farivar**

**Adopting the mental health counselor compact.**

The bill was read the second time.



There being no objection, Substitute House Bill No. 1069 was substituted for House Bill No. 1069 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1069 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 Leavitt and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1069.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1069, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

SUBSTITUTE HOUSE BILL NO. 1069, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1213, by Representatives Ybarra, Fitzgibbon, Ramel, Doglio and Macri**

**Concerning compliance with labeling requirements for wipes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1213 was substituted for House Bill No. 1213 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1213 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 Ybarra and Doglio spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1213.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1213, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

SUBSTITUTE HOUSE BILL NO. 1213, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

**SENATE CONCURRENT RESOLUTION NO. 8403, by Senators Pedersen, Short, Hunt, Lovelett, Nguyen, Nobles and Wilson, C.**

**Honoring former members of the Senate and House of Representatives of the State of Washington who have passed from this life.**

The concurrent resolution was read the third time.

Representative Fitzgibbon spoke in favor of the adoption of the concurrent resolution.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Concurrent Resolution No. 8403.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8403, and the concurrent resolution passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Corry, Entenman, Hackney and Wilcox

SENATE CONCURRENT RESOLUTION NO. 8403, having received the necessary constitutional majority, was adopted.

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

### MOTION

There being no objection, the Committee on Education was relieved of HOUSE BILL NO. 1692, and the bill was referred to the Committee on State Government & Tribal Relations.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, February 7, 2023, the 30th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## THIRTIETH DAY

House Chamber, Olympia, Tuesday, February 7, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1776 by Representatives Senn, Callan, Macri, Taylor, Gregerson and Pollet

AN ACT Relating to requiring coverage for applied behavior analysis; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1777 by Representatives Doglio, Fitzgibbon, Duerr, Lekanoff, Stearns, McEntire, Ramel and Pollet

AN ACT Relating to authorizing the use of performance-based contracting for energy services and equipment; and amending RCW 39.35A.020, 39.35C.010, 39.35C.050, and 39.35C.060.

Referred to Committee on Capital Budget.

HB 1778 by Representatives Volz and Ryu

AN ACT Relating to economic resilience planning; amending RCW 43.330.060; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1779 by Representatives Mosbrucker, Dye and Pollet

AN ACT Relating to reducing toxic air pollution that threatens human health; adding a new section to chapter 70A.15 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Environment & Energy.

HB 1780 by Representatives Schmick, Dye, Couture, Schmidt, Corry, Dent, Connors, Klicker, Sandlin, Christian, Chambers and McClintock

AN ACT Relating to addressing unintended consequences of the climate commitment act; adding a new section to chapter 70A.65 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Environment & Energy.

HB 1781 by Representatives Donaghy, Ryu and Ormsby

AN ACT Relating to modifying boater safety and education requirements; amending RCW 79A.60.010, 79A.60.630, and 79A.60.640; adding a new section to chapter 79A.60 RCW; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1782 by Representatives McEntire and Fey

AN ACT Relating to the operating and maintenance deficit of the Wahkiakum county ferry; and amending RCW 47.56.720.

Referred to Committee on Transportation.

HB 1783 by Representatives Sandlin, Maycumber, Couture, Chapman, Dent, Eslick and Volz

AN ACT Relating to supporting economic development in distressed areas through hiring of grant writers; adding new sections to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1784 by Representatives Gregerson, Ormsby, Duerr, Alvarado, Berry, Ryu, Bergquist, Peterson, Berg, Chapman, Mena, Lekanoff, Senn, Thai, Leavitt, Santos, Callan, Macri, Fosse, Riccelli, Doglio, Kloba, Timmons, Ramel, Bateman and Pollet

AN ACT Relating to addressing hunger relief; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1785 by Representatives Berry, Lekanoff, Santos, Ormsby and Pollet

AN ACT Relating to establishing COVID-19 as an occupational disease; amending RCW 51.32.181; creating new sections; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1786 by Representatives Rule, Corry, Walen, Chapman, Reeves and Barkis

AN ACT Relating to special use permits for milk product haulers; and amending RCW 46.44.0941.

Referred to Committee on Transportation.

HB 1787 by Representatives Sandlin, Chapman, Barkis, Robertson, Graham, Corry, Dent, Steele, Goehner, Couture and Volz

AN ACT Relating to the planning and implementation of infrastructure to facilitate the transport and delivery of goods; reenacting and amending RCW 36.70A.070; adding a new section to chapter 47.04 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Local Government.

HB 1788 by Representatives Walsh and Eslick

AN ACT Relating to greater consistency in the provision of health care services for minors under the age of 17; amending RCW 70.24.110, 71.34.500, 71.34.510, 71.34.520, and 71.34.530; adding a new section to chapter 9.02 RCW; and adding a new section to chapter 26.28 RCW.

Referred to Committee on Health Care & Wellness.

HB 1789 by Representatives Reeves, Fitzgibbon, Chapman, Kloba, Ramel, Pollet and Fosse

AN ACT Relating to expanding revenue generation and economic opportunities from natural climate solutions and ecosystem services; amending RCW 79.02.010 and 79.105.150; reenacting and amending RCW 79.64.110 and 79.22.050; and adding a new chapter to Title 79 RCW.

Referred to Committee on Agriculture and Natural Resources.

HB 1790 by Representatives Entenman, Wylie, Reeves, Macri, Stearns, Kloba, Ormsby and Pollet

AN ACT Relating to expanding and improving the social equity in cannabis program; amending RCW 69.50.331, 69.50.335, 69.50.345, and 69.50.345; providing an effective date; and providing an expiration date.

Referred to Committee on Regulated Substances & Gaming.

HB 1791 by Representatives Fey, Dent, Morgan, Barkis, Mena, Couture, Griffey, Bronoske, Ybarra, Christian, Timmons, Donaghy, Berg and Doglio

AN ACT Relating to studying the need for increased commercial aviation services; amending 2022 c 186 s 213 (uncodified); adding a new chapter to Title 14 RCW; repealing 2022 c 186 s 707 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

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

February 2, 2023

HB 1004 Prime Sponsor, Representative Abbarno: Installing signs on or near bridges to provide information to deter jumping. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1010 Prime Sponsor, Representative Chapman: Concerning the sanitary control of shellfish. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture and Natural Resources. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1032 Prime Sponsor, Representative Dent: Mitigating the risk of wildfires through electric utility planning and identification of best management practices appropriate to each electric utility's circumstances. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

February 3, 2023

HB 1067 Prime Sponsor, Representative Bronoske: Concerning wages for journeypersons in high-hazard facilities. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1078 Prime Sponsor, Representative Duerr: Concerning urban forest management ordinances. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg; Griffey and Riccelli.

MINORITY recommendation: Without recommendation. Signed by Representative Goehner, Ranking Minority Member.

Referred to Committee on Appropriations

February 2, 2023

HB 1131 Prime Sponsor, Representative Berry:  
Improving Washington's solid waste  
management outcomes. Reported by  
Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Lekanoff; Ramel; Slatter and Street.

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

MINORITY recommendation: Without recommendation. Signed by Representative Fey.

Referred to Committee on Appropriations

February 3, 2023

HB 1136 Prime Sponsor, Representative Reeves:  
Requiring employers to reimburse employees  
for necessary expenditures and losses.  
Reported by Committee on Labor &  
Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1155 Prime Sponsor, Representative Slatter:  
Addressing the collection, sharing, and  
selling of consumer health data. Reported by  
Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; and Rude.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1167 Prime Sponsor, Representative Duerr:  
Concerning residential housing regulations.  
Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Appropriations

February 3, 2023

HB 1205 Prime Sponsor, Representative Taylor:  
Responsibility for providing service by  
publication of a summons or notice in  
dependency and termination of parental  
rights cases. Reported by Committee on  
Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Appropriations

February 2, 2023

HB 1244 Prime Sponsor, Representative Ramel:  
Increasing the maximum per pupil limit for  
enrichment levy authority. Reported by  
Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1255 Prime Sponsor, Representative Simmons:  
Reducing stigma and incentivizing health  
care professionals to participate in a  
substance use disorder monitoring and  
treatment program. Reported by Committee  
on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Harris; Macri; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Hutchins, Assistant Ranking Minority Member; Barnard; Graham; and Maycumber.

Referred to Committee on Appropriations

February 3, 2023

HB 1260 Prime Sponsor, Representative Alvarado:  
Accelerating stability for people with a  
work-limiting disability or incapacity.  
Reported by Committee on Human Services,  
Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan; Goodman; Ortiz-Self and Rule.

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

Couture, Assistant Ranking Minority Member; Dent; and Walsh.

Referred to Committee on Appropriations

February 2, 2023

HB 1265 Prime Sponsor, Representative Ramos: Establishing a property tax exemption for adult family homes that serve people with intellectual or developmental disabilities and are owned by a nonprofit. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1271 Prime Sponsor, Representative Low: Concerning organ transport vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1278 Prime Sponsor, Representative Ortiz-Self: Supporting guardianships and voluntary placement with nonrelative kin. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Do not pass. Signed by Representative Walsh.

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

Referred to Committee on Appropriations

February 3, 2023

HB 1281 Prime Sponsor, Representative Rude: Increasing access to the provisions of the Washington death with dignity act. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

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

Referred to Committee on Rules for second reading

February 3, 2023

HB 1291 Prime Sponsor, Representative Fosse: Expanding collective bargaining for employees who are enrolled in academic programs at public institutions of higher education. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

February 3, 2023

HB 1292 Prime Sponsor, Representative Goodman: Making modifications necessary to comply with federal regulations regarding dissemination of federal bureau of investigation criminal history record information. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1295 Prime Sponsor, Representative Ortiz-Self: Concerning voluntary placement agreements with the department of children, youth, and families. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

February 3, 2023

HB 1307 Prime Sponsor, Representative Fosse: Concerning collective bargaining for resident and fellow physicians employed by certain institutions of higher education. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

February 3, 2023

HB 1313

Prime Sponsor, Representative Farivar: Improving health care affordability for older adults and people with disabilities on medicare. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

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

MINORITY recommendation: Without recommendation. Signed by Representatives Barnard; Harris; Maycumber; and Mosbrucker.

Referred to Committee on Appropriations

February 2, 2023

HB 1334

Prime Sponsor, Representative Hutchins: Addressing the access of certain aquatic lands by a public transportation benefit area. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1335

Prime Sponsor, Representative Hansen: Concerning the unauthorized publication of personal identifying information. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1364

Prime Sponsor, Representative Paul: Creating the nautical Northwest special license plate. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner;

Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1394

Prime Sponsor, Representative Senn: Creating a developmentally appropriate response to youth who commit sexual offenses. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan; Goodman and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Dent; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representative Rule.

Referred to Committee on Appropriations

February 3, 2023

HB 1405

Prime Sponsor, Representative Alvarado: Preserving public benefit payments to people in the care of the department of children, youth, and families. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

Referred to Committee on Appropriations

February 3, 2023

HB 1406

Prime Sponsor, Representative Cortes: Concerning youth seeking housing assistance and other related services. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

February 3, 2023

HB 1407

Prime Sponsor, Representative Taylor: Maintaining eligibility for developmental disability services. Reported by Committee on Human Services, Youth, & Early Learning

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

Referred to Committee on Appropriations

February 2, 2023

HB 1408 Prime Sponsor, Representative Doglio: Creating an account for the pharmaceutical rebate revenue generated by the purchase of medications for people living with HIV who are enrolled in the early intervention program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 2, 2023

HB 1414 Prime Sponsor, Representative Mena: Concerning the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1419 Prime Sponsor, Representative Chapman: Concerning county treasurers' duties. Reported by Committee on Local Government

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

Referred to Committee on Rules for second reading

February 3, 2023

HB 1421 Prime Sponsor, Representative Chambers: Adding counties to the voluntary stewardship program. Reported by Committee on Local Government

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

Referred to Committee on Appropriations

February 3, 2023

HB 1425 Prime Sponsor, Representative Berg: Facilitating municipal annexations. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Finance

February 3, 2023

HB 1435 Prime Sponsor, Representative Bronoske: Developing a home care safety net assessment. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

February 3, 2023

HB 1445 Prime Sponsor, Representative Hansen: Concerning law enforcement and local corrections agency misconduct through investigations and legal actions. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; and Rude.

Referred to Committee on Appropriations

February 3, 2023

HB 1449 Prime Sponsor, Representative Alvarado: Amending reporting requirements for the project permit application processing timeline. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner, Ranking Minority Member; and Griffey.



Referred to Committee on Rules for second reading

February 2, 2023

HB 1457 Prime Sponsor, Representative Robertson: Concerning a motor carrier's ability to access restroom facilities required by rules authorized under chapter 49.17 RCW. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Appropriations

February 3, 2023

HB 1468 Prime Sponsor, Representative Goehner: Concerning impact fee deferrals. Reported by Committee on Local Government

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

Referred to Committee on Rules for second reading

February 3, 2023

HB 1480 Prime Sponsor, Representative Donaghy: Concerning energy resilience, cybersecurity, and all-hazard emergency management. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Cortes; Paul; Senn; Shavers and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Waters; and Ybarra.

Referred to Committee on Appropriations

February 2, 2023

HB 1489 Prime Sponsor, Representative Orcutt: Creating Mount St. Helens special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1500 Prime Sponsor, Representative Eslick: Increasing the cap on gross sales for cottage food operations. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1552 Prime Sponsor, Representative Reeves: Directing the state conservation commission to conduct a study of urban agricultural opportunities and barriers in the state. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1618 Prime Sponsor, Representative Farivar: Concerning the statute of limitations for childhood sexual abuse. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

February 3, 2023

HB 1620 Prime Sponsor, Representative Fey: Concerning the number of inhabitants required for incorporation as a city or town. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

February 3, 2023

HB 1623 Prime Sponsor, Representative Volz: Concerning regional economic development visions and action plans. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

February 3, 2023

HB 1657 Prime Sponsor, Representative Street: Authorizing justices, judges, and judicial officers of federal courts to solemnize marriages. Reported by Committee on Civil Rights & Judiciary

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

Referred to Committee on Rules for second reading

February 3, 2023

HJM 4000 Prime Sponsor, Representative Lekanoff: Recognizing the international year of the salmon. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

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

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

### MOTIONS

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1399, and the bill was referred to the Committee on Appropriations.

There being no objection, the Committee on Education was relieved of HOUSE BILL NO. 1605, and the bill was referred to the Committee on Appropriations.

There being no objection, the House adjourned until 10:30 a.m., Wednesday, February 8, 2023, the 31st Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## THIRTY FIRST DAY

House Chamber, Olympia, Wednesday, February 8, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Camille Nowak and Aaron Kilbury. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Keren Gorban, Temple Beth El, Tacoma.

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 fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 1792 by Representatives Timmons, Dent, Lekanoff, Fitzgibbon, Rule, Ramel, Springer and Eslick

AN ACT Relating to modifying timelines and other initial procedural actions in a water rights adjudication; and amending RCW 90.03.120, 90.03.130, 90.03.140, 90.03.625, 90.03.635, and 90.03.645.

Referred to Committee on Agriculture and Natural Resources.

HB 1793 by Representatives Gregerson, Berg, Street, Reed, Ramel and Ormsby

AN ACT Relating to funding digital equity by imposing a tax on certain wireless devices; amending RCW 82.32.145; adding a new section to chapter 28A.650 RCW; adding a new chapter to Title 82 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Finance.

HB 1794 by Representatives Waters, Reed, Schmidt, Volz, Chapman and Cheney

AN ACT Relating to research and development incentives and growing Washington's economy for the long-term; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1795 by Representatives Street, Ramel, Reed, Ryu, Senn, Lekanoff, Fitzgibbon, Bateman, Ormsby, Pollet, Walen, Gregerson and Simmons

AN ACT Relating to making the estate tax more progressive; amending RCW 83.100.040, 83.100.047, 83.100.048, 83.100.050, and 83.100.220; reenacting and amending RCW 83.100.020; adding a new section to chapter 83.100 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 1796 by Representatives Ybarra, Volz, Graham, Eslick, Chapman and Schmidt

AN ACT Relating to property tax exemptions for certain mobile homes and manufactured homes; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1797 by Representatives Cheney, Goodman, Hutchins and Graham

AN ACT Relating to residential real estate appraisers being allowed to complete real property evaluations; amending RCW 18.140.030; and adding a new section to chapter 18.140 RCW.

Referred to Committee on Consumer Protection & Business.

HB 1798 by Representatives Doglio, Simmons, Reed, Ormsby and Gregerson

AN ACT Relating to allowed earned release time for certain offenses and enhancements; amending RCW 9.94A.729; and creating new sections.

Referred to Committee on Community Safety, Justice, & Reentry.

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

February 2, 2023

HB 1203

Prime Sponsor, Representative Ormsby: Improving the fiscal process by updating accounts administered by the office of financial management, creating new accounts including one for the opioid litigation settlement and one for the receipt of federal funds, and reenacting accounts created in the supplemental budget bill. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 6, 2023

HB 1249

Prime Sponsor, Representative Corry: Regarding limits on the sale and possession of retail cannabis products. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Orwall; Reeves; Walsh and Waters.

Referred to Committee on Rules for second reading

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 sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 1006, by Representatives Orwall, Mosbrucker, Goodman, Davis, Hackney, Simmons, Griffey, Peterson, Leavitt, Ryu, Bateman, Reed, Graham, Ramel, Pollet, Doglio, Rude, Macri, Caldier, Reeves, Wylie, Gregerson, Kloba, Riccelli, Farivar and Fosse**

**Expanding access to drug testing equipment.**

The bill was read the second time.

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

Representatives Orwall, Mosbrucker and Griffey spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Ramel, Representatives Entenman and Thai were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1006.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1006, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

HOUSE BILL NO. 1006, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1121, by Representatives Goodman, Leavitt, Reeves, Lekanoff and Wylie**

**Concerning the uniform child abduction prevention act.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1121 was substituted for House Bill No. 1121 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1121 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 Goodman and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1121.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1121, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

SUBSTITUTE HOUSE BILL NO. 1121, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1114, by Representatives Mosbrucker, Simmons, Reed and Goodman**

**Concerning the membership of the sentencing guidelines commission.**

The bill was read the second time.

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

Representatives Mosbrucker and Simmons spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1114.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1114, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner,

Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

HOUSE BILL NO. 1114, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1352, by Representatives Stearns, Low, Cortes, Entenman, Couture, Ramel, Lekanoff, Pollet and Fosse**

**Authorizing tribal investment in county investment pools.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1352 was substituted for House Bill No. 1352 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1352 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 Stearns and Low spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1352.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1352, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

SUBSTITUTE HOUSE BILL NO. 1352, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Stonier congratulated Representative Stearns on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1001, by Representatives Leavitt, Rude, Ryu, Simmons, Goodman, Pollet, Doglio, Orwall, Macri, Caldier, Reeves, Bronoske, Kloba and Riccelli**

**Concerning the audiology and speech-language pathology interstate compact.**

The bill was read the second time.

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

Representatives Leavitt and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1001.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1001, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

HOUSE BILL NO. 1001, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1312, by Representatives Rude, Entenman, Goodman, Ortiz-Self and Ormsby**

**Concerning jury service.**

The bill was read the second time.

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

Representatives Rude and Hansen spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1312.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1312, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier,

Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

HOUSE BILL NO. 1312, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1042, by Representatives Walen, Ryu, Barkis, Simmons, Duerr, Goodman, Bateman, Reed, Ramel, Peterson, Pollet, Doglio, Macri, Reeves, Mena, Tharinger, Wylie, Gregerson, Springer, Bergquist, Thai, Kloba, Santos and Ormsby**

**Concerning the use of existing buildings for residential purposes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1042 was substituted for House Bill No. 1042 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1042 was read the second time.

Representative Walen moved the adoption of amendment (010):

On page 4, after line 27, insert the following:

"**NEW SECTION. Sec. 3.** A new section is added to chapter 19.27A RCW to read as follows:

By January 1, 2024, the state building code council shall adopt by rule an amendment to the current energy code that waives the requirement for an existing building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units within the building."

Correct the title.

Representatives Walen and Klicker spoke in favor of the adoption of the amendment.

Amendment (010) 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 Walen and Klicker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1042.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1042, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson,

Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1042, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1234, by Representatives Goodman, Eslick, Peterson, Leavitt, Fitzgibbon, Bateman, Walen, Stearns and Pollet**

**Concerning the civil forfeiture of animals seized for abuse or neglect.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1234 was substituted for House Bill No. 1234 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1234 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 Goodman and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1234.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1234, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

SUBSTITUTE HOUSE BILL NO. 1234, having received the necessary constitutional majority, was declared passed.

#### SPEAKER'S PRIVILEGE

The Speaker (Representative Bronoske presiding) recognized Bonnie Lake students from Emerald Hills Elementary School from the 31st legislative district.

#### SECOND READING

**HOUSE BILL NO. 1259, by Representatives Abbarno, Stearns and Reeves**

**Updating the executive team of the office of the secretary of state by adding signing authority to the chief of staff position.**

The bill was read the second time.

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

Representatives Abbarno and Ramos spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1259.

### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1259, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Entenman and Thai

HOUSE BILL NO. 1259, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Thursday, February 9, 2023, the 32nd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## THIRTY SECOND DAY

House Chamber, Olympia, Thursday, February 9, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall 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 Leo Carlin and Aleeza Umboh. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Carol Jensen, University Lutheran Church, Seattle.

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.

**MESSAGES FROM THE SENATE**

Wednesday, February 8, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5005  
 SUBSTITUTE SENATE BILL NO. 5106  
                                   SENATE BILL NO. 5155  
 SUBSTITUTE SENATE BILL NO. 5261  
                                   SENATE BILL NO. 5282

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, February 8, 2023

Mme. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8403

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

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

**INTRODUCTION & FIRST READING**HB 1799 by Representatives Kloba and Berry

AN ACT Relating to the registration of business entities that qualify as data brokers; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

HB 1800 by Representatives Barkis, Donaghy, Eslick, Fey, Barnard, Robertson, Stokesbary, Chambers, Abbarno, Christian and McClintock

AN ACT Relating to criminal penalties and restitution for graffiti; amending RCW 9.94A.680 and 9A.20.030;

reenacting and amending RCW 9A.04.110; creating a new section; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1801 by Representatives Jacobsen, McEntire, Christian, Goehner, Corry, Schmidt, Chandler, Klicker, Robertson, Sandlin, Graham, Chambers and McClintock

AN ACT Relating to eliminating COVID-19 vaccine requirements for new or prospective employees of state agencies; adding a new section to chapter 43.01 RCW; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1802 by Representatives Cheney, Graham, Rude, Walsh, Waters and McClintock

AN ACT Relating to minors in possession of alcohol, cannabis, or controlled substances; amending RCW 66.44.270, 69.50.4013, and 69.50.4013; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1803 by Representative Steele

AN ACT Relating to creating an endorsement to the beer and/or wine specialty shop license; and amending RCW 66.24.371.

Referred to Committee on Regulated Substances & Gaming.

HB 1804 by Representative Steele

AN ACT Relating to eligibility for participation in the public employees' benefits board for retired or disabled employees of counties, municipalities, and other political subdivisions; amending RCW 41.05.080; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1805 by Representatives Graham, Volz, Klicker, McEntire, Chambers, Christian and McClintock

AN ACT Relating to making robbery in the second degree a most serious offense under certain circumstances; and amending RCW 9A.56.210 and 9.94A.030.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1806 by Representatives Rule, Chapman and Timmons

AN ACT Relating to an exclave community small business relief program; and adding a new section to chapter 43.330 RCW.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.



SSB 5005 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Padden, Dhingra and Nobles)

AN ACT Relating to real property; adding a new chapter to Title 7 RCW; and adding a new chapter to Title 64 RCW.

Referred to Committee on Civil Rights & Judiciary.

SSB 5106 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Hunt)

AN ACT Relating to updating timelines for adopting county commissioner district boundaries following expansion from three to five commissioners; and amending RCW 36.32.0552.

Referred to Committee on Local Government.

SB 5155 by Senators Wagoner and Dhingra

AN ACT Relating to the court of appeals; and amending RCW 2.06.040.

Referred to Committee on Civil Rights & Judiciary.

SSB 5261 by Senate Committee on Labor & Commerce (originally sponsored by Braun)

AN ACT Relating to deadlines concerning permits, licenses, or endorsements of cemetery authorities; amending RCW 68.05.215, 68.05.225, 68.05.245, and 18.39.020; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

SB 5282 by Senators Valdez, MacEwen, Gildon, Lias and Nguyen

AN ACT Relating to authorizing vehicle dealers to file a report of sale; and amending RCW 46.12.650.

Referred to Committee on Transportation.

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

February 7, 2023

HB 1228 Prime Sponsor, Representative Ortiz-Self: Building a multilingual, multiliterate Washington through dual and tribal language education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

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

Referred to Committee on Appropriations

February 7, 2023

HB 1239 Prime Sponsor, Representative Santos: Establishing a simple and uniform system for

complaints related to, and instituting a code of educator ethics for, conduct within or involving public elementary and secondary schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Ortiz-Self; Pollet; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Eslick; Harris; McClintock; and Sandlin.

Referred to Committee on Appropriations

February 7, 2023

HB 1293 Prime Sponsor, Representative Klicker: Streamlining development regulations. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 7, 2023

HB 1370 Prime Sponsor, Representative Reeves: Providing the payment of awards to whistleblowers who report violations of state or federal securities laws and providing protection to whistleblowers and internal reporters. Reported by Committee on Consumer Protection & Business

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

Referred to Committee on Appropriations

February 7, 2023

HB 1443 Prime Sponsor, Representative Low: Updating the process for online voter registration by allowing voter applicants to provide the last four digits of social security number for authentication. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

MINORITY recommendation: Without recommendation. Signed by Representative Abbarno, Ranking Minority Member.

Referred to Committee on Rules for second reading

February 7, 2023

HB 1447

Prime Sponsor, Representative Peterson: Strengthening the ability of assistance programs to meet foundational needs of children, adults, and families. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan; Dent; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representatives Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; and Walsh.

Referred to Committee on Appropriations

February 7, 2023

HB 1451

Prime Sponsor, Representative Senn: Expanding the child care workforce. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representatives Couture, Assistant Ranking Minority Member; Dent; and Walsh.

Referred to Committee on Appropriations

February 7, 2023

HB 1525

Prime Sponsor, Representative Fosse: Concerning eligibility for working connections child care benefits for persons participating in state registered apprenticeships. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

February 7, 2023

HB 1611

Prime Sponsor, Representative Reed: Concerning local government permitting. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Barkis; Bateman; Chopp; Hutchins; Low; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member.

Referred to Committee on Finance

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 sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 1251, by Representatives Stonier, Bateman, Reed, Riccelli and Pollet**

**Concerning water systems' notice to customers of public health considerations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1251 was substituted for House Bill No. 1251 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1251 was read the second time.

With the consent of the House, amendment (008) was withdrawn.

Representative Stonier moved the adoption of amendment (013):

On page 1, line 7, after "considers" insert "commencing or"

On page 1, line 8, after "customers" insert "and the department"

On page 1, at the beginning of line 12, strike "combination of notification methods which most effectively notifies" and insert "notification methods which effectively notify"

On page 1, line 16, after "previous" strike "optimal"

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

Amendment (013) 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 Stonier and Jacobsen spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Ramel, Representative Jenkins was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1251.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1251, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier,

Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Mme. Speaker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1251, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1416, by Representatives Doglio, Ramel, Berry, Lekanoff and Reed**

**Applying the affected market customer provisions of the Washington clean energy transformation act to nonresidential customers of consumer-owned utilities.**

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 Doglio spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1416.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1416, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen and Wylie

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Mme. Speaker

HOUSE BILL NO. 1416, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1544, by Representatives Alvarado, Tharinger, Pollet and Duerr**

**Concerning shoreline master program review schedules.**

The bill was read the second time.

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

Representatives Alvarado and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1544.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1544, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Mme. Speaker

HOUSE BILL NO. 1544, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Fitzgibbon congratulated Representative Alvarado on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1080, by Representatives Taylor, Peterson, Simmons, Walen, Reed, Stearns, Berry, Pollet, Goodman, Orwall, Bergquist, Gregerson and Thai**

**Concerning body worn cameras.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1080 was substituted for House Bill No. 1080 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1080 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 Taylor and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1080.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1080, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse,

Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Voting Nay: Representative Pollet  
Excused: Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1080, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1262, by Representatives Walen, Reed and Davis**

**Establishing a lump sum reporting system.**

The bill was read the second time.

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

Representatives Walen and Graham spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1262.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1262, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Mme. Speaker

HOUSE BILL NO. 1262, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1367, by Representatives Donaghy, Reed, Doglio, Ramel, Pollet and Macri**

**Eliminating unnecessary homeless funding budget and auditing requirements.**

The bill was read the second time.

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

Representatives Donaghy and Klicker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1367.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1367, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Mme. Speaker

HOUSE BILL NO. 1367, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1058, by Representatives Paul, Orcutt, Simmons, Ryu, Reed, Ramel, Lekanoff, Sandlin, Macri, Timmons, Wylie, Shavers, Kloba and Ormsby**

**Streamlining the licensing process for a commercial driver's license by allowing the department to waive requirements for applicants that previously surrendered the license, allowing the license to be renewed online, and modifying the license test fees.**

The bill was read the second time.

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

Representatives Paul and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1058.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1058, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Mme. Speaker

HOUSE BILL NO. 1058, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1620, by Representatives Fey and Morgan**

**Concerning the number of inhabitants required for incorporation as a city or town.**

The bill was read the second time.

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

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

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

Representatives Fey and Goehner spoke in favor of the passage of the bill.

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

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1620, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Mme. Speaker

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

**HOUSE BILL NO. 1100, by Representatives Schmick and Leavitt**

**Concerning the disposition of the remains of a county resident who dies indigent in an adjacent county outside of Washington.**

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1100.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1100, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian,

Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Mme. Speaker

HOUSE BILL NO. 1100, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., Friday, February 10, 2023, the 33rd Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

THIRTY THIRD DAY

House Chamber, Olympia, Friday, February 10, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

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

RESOLUTION

HOUSE RESOLUTION NO. 2023-4613, by Representatives Steele and Goehner

WHEREAS, The Washington State House of Representatives recognize excellence in all fields and endeavors; and

WHEREAS, The Chelan High School Volleyball Team has won the 2022 WIAA 1A volleyball championship, they are 3 time back-to-back 1A volleyball champions; and

WHEREAS, The team had an exceptional season going undefeated with a 20-0 overall record, and 8-0 record in conference play; and

WHEREAS, They were the number 1 seed headed into the tournament and went on to win the finals; and

WHEREAS, A great team must have a great staff around it, Head Coach Abby Lewellen, the Assistant Coaching Staff, Principal Jamie Pancho, and all the other staff at Chelan High School that help these girls are pivotal to their successes; and

WHEREAS, After winning the championship, five seniors were selected to the 1A All State Team, with senior Olivia Strandberg winning 1A Player of the Year and Head Coach Abby Lewellen winning 1A Coach of the Year;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the tremendous achievement of the Chelan High School Volleyball Team going undefeated and winning the WIAA 1A volleyball championship; and

BE IT FURTHER RESOLVED, That copies of this resolution be distributed by the Chief Clerk of the House of Representatives to the Superintendent of the Lake Chelan School District, Principal of Chelan High School, and the Chelan Volleyball Coaching Staff.

HOUSE RESOLUTION NO. 4613 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2023-4614, by Representatives Goehner and Steele

WHEREAS, The House of Representatives recognize excellence in all endeavors; and

WHEREAS, The Wenatchee High School Football Team has won the 2022 4A Washington Interscholastic Athletic Associations academic championship, which honors the team with the highest GPA in the state; and

WHEREAS, The Wenatchee High School Football Team achieved an impressive cumulative GPA of 3.597, or a A- average for all athletes in their courses; and

WHEREAS, This award is a testament to the hard work, dedication, and determination these athletes put towards their academic studies; and

WHEREAS, No team can be successful without a great staff behind them: Head Coach Scott Devereaux, the Assistant Coaching Staff, Principal Eric Anderson, and all the teachers and administrators at Wenatchee High School who played a pivotal role in their athletes' success;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the tremendous achievement by Wenatchee

High School of winning the 4A WIAA academic championship; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Superintendent of Wenatchee Public Schools, Principal of Wenatchee High School, and the Football Coaching Staff.

HOUSE RESOLUTION NO. 4614 was adopted.

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

MESSAGES FROM THE SENATE

Wednesday, February 8, 2023

Mme. Speaker:

The Senate has passed:

- SENATE BILL NO. 5067
- SUBSTITUTE SENATE BILL NO. 5072
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5082
- SUBSTITUTE SENATE BILL NO. 5101
- SUBSTITUTE SENATE BILL NO. 5176
- SUBSTITUTE SENATE BILL NO. 5191
- SUBSTITUTE SENATE BILL NO. 5338
- SENATE JOINT MEMORIAL NO. 8001

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, February 8, 2023

Mme. Speaker:

The Senate has passed:

- SUBSTITUTE HOUSE BILL NO. 1103

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

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

INTRODUCTION & FIRST READING

HB 1807 by Representatives Fey, Robertson, Fitzgibbon, Schmidt and Ramel

AN ACT Relating to speed safety camera systems on state highways; amending RCW 46.63.030 and 46.63.075; adding a new section to chapter 46.63 RCW; and providing expiration dates.

Referred to Committee on Transportation.

HB 1808 by Representatives Doglio, Griffey, Couture, Volz, Duerr and Graham

AN ACT Relating to proceedings to preclude establishment of parentage when a parent alleges that a person committed a

sexual assault that resulted in the parent becoming pregnant and subsequently giving birth to a child; amending RCW 26.26A.465, 13.34.136, and 13.34.155; reenacting and amending RCW 13.34.030 and 13.34.065; adding a new section to chapter 2.53 RCW; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Civil Rights & Judiciary.

HB 1809 by Representative Wylie

AN ACT Relating to modifying the definition of food and food ingredients to include food required to be cooked by the consumer prior to consumption; amending RCW 82.08.0293; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1810 by Representatives Orcutt, Jacobsen, Chapman, Duerr and Schmidt

AN ACT Relating to providing rental assistance to manufactured/mobile home park tenants; amending RCW 59.21.010 and 59.22.050; adding new sections to chapter 59.21 RCW; creating a new section; and making an appropriation.

Referred to Committee on Housing.

HB 1811 by Representatives Hackney, Corry, Chapman and Walen

AN ACT Relating to reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances; and amending RCW 48.18.545 and 48.19.035.

Referred to Committee on Consumer Protection & Business.

HB 1812 by Representatives Springer, Stokesbary, Chopp and Chapman

AN ACT Relating to continuing the business and occupation tax deduction for federal funds received from a medicaid transformation or demonstration project or medicaid quality improvement program or standard; and amending RCW 82.04.43395.

Referred to Committee on Finance.

HB 1813 by Representatives Griffey, Doglio, Robertson, Couture, Stokesbary, Volz, Chambers, Sandlin, Mosbrucker, Christian, Jacobsen, McClintock, Graham, Connors and Barkis

AN ACT Relating to establishing a moratorium on the siting and use of secure community transition facilities pending recommendations of a joint legislative work group; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1814 by Representatives Corry, Chapman, Volz, Robertson, Jacobsen, Griffey, Couture, Graham, McClintock and Schmidt

AN ACT Relating to the reemployment and pension service credit of public employees separated from service due to a vaccination mandate; amending RCW 41.26.520, 41.32.810, 41.32.865, 41.35.470, 41.35.650, 41.37.260, 41.40.710, 41.40.805, and 43.43.260; adding a new section to chapter 41.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 1815 by Representatives Berg, Stokesbary, Fitzgibbon and Ormsby

AN ACT Relating to creating a business and occupation tax deduction and increasing the tax rate for persons conducting payment card processing activities; amending RCW 82.04.290 and 82.04.29004; reenacting and amending RCW 82.04.299; adding a new section to chapter 82.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 1816 by Representatives Cheney, McClintock, Robertson, Schmidt, Waters, Klicker, Graham and Connors

AN ACT Relating to prohibiting the forwarding of election ballots; and adding a new section to chapter 29A.40 RCW.

Referred to Committee on State Government & Tribal Relations.

HB 1817 by Representatives Rule, Connors, Robertson, Chapman, Klicker, Morgan, Walen and Barkis

AN ACT Relating to establishing a housing gap voucher pilot program; adding new sections to chapter 43.185B RCW; creating a new section; providing expiration dates; providing an effective date; and declaring an emergency.

Referred to Committee on Housing.

HB 1818 by Representatives Tharinger and Chapman

AN ACT Relating to exclusion of compensating tax when land is sold to a governmental entity intending to manage the land similarly to designated forestland or timberland; amending RCW 84.33.140 and 84.34.108; and creating a new section.

Referred to Committee on Finance.

SB 5067 by Senators Dozier, Boehnke, Fortunato, Hunt, King, Padden, Short, Stanford, Torres, Warnick and Wilson, J.

AN ACT Relating to meetings of county legislative authorities; and amending RCW 36.32.080.

Referred to Committee on Local Government.

SSB 5072 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Nobles, Wellman, Hunt, Keiser, Kuderer, Lias, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Trudeau, Valdez and Wilson, C.)

AN ACT Relating to advancing equity in programs for highly capable students; amending RCW 28A.185.020, 28A.185.030, 28A.185.050, and 28A.300.042; adding a new section to chapter 28A.185 RCW; and creating a new section.

Referred to Committee on Education.

ESSB 5082 by Senate Committee on State Government & Elections (originally sponsored by Kuderer, Hunt, Conway, Dhingra, Frame, Hasegawa, Nguyen, Nobles, Pedersen, Rolfes, Valdez, Van De Wege, Wellman and Wilson, C.)

AN ACT Relating to encouraging electoral participation and making ballots more meaningful by abolishing advisory votes; amending RCW 29A.32.070, 29A.64.090, 29A.72.040, 29A.72.250, 29A.72.290, and 29A.32.031; adding a new section to chapter 43.41 RCW; adding a new section to chapter 29A.32 RCW; creating a new section; and repealing RCW 29A.72.283, 29A.72.285, and 43.135.041.

Referred to Committee on State Government & Tribal Relations.

SSB 5101 by Senate Committee on Human Services (originally sponsored by Saldaña, Warnick, Dhingra, Kuderer, Nguyen, Nobles, Shewmake and Wilson, C.)

AN ACT Relating to extraordinary medical placement for incarcerated individuals at the department of corrections; and reenacting and amending RCW 9.94A.728.

Referred to Committee on Community Safety, Justice, & Reentry.

SSB 5176 by Senate Committee on Labor & Commerce (originally sponsored by Stanford, Billig, Keiser and Van De Wege)

AN ACT Relating to unemployment insurance benefits for officers of employee-owned cooperatives; amending RCW 50.04.310; creating a new section; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

SSB 5191 by Senate Committee on Law & Justice (originally sponsored by Stanford, Dozier and Gildon)

AN ACT Relating to reforming the real estate agency law to require written brokerage services agreements, improve consumer disclosures, and provide that certain legal duties of brokers apply to all parties in the transaction; amending RCW 18.86.010, 18.86.020, 18.86.030, 18.86.040, 18.86.050, 18.86.060, 18.86.070, 18.86.080, 18.86.090, 18.86.100, and 18.86.120; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

SSB 5338 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Muzzall, Conway and Randall)

AN ACT Relating to a review of the state's essential health benefits; amending RCW 48.43.715; and creating a new section.

Referred to Committee on Health Care & Wellness.

SJM 8001 by Senators Hasegawa, Kuderer, Wellman, Nguyen, Keiser, Conway, Dhingra, Frame, Hunt, Lias, Lovelett, Nobles, Saldaña, Stanford, Trudeau and Wilson, C.

Concerning a national infrastructure bank.

Referred to Committee on Consumer Protection & Business.

There being no objection, the bills and resolutions 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

February 7, 2023

HB 1003 Prime Sponsor, Representative Stokesbary:  
Expanding access to dual credit programs.  
Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris;

McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

February 7, 2023

HB 1111 Prime Sponsor, Representative Ryu:  
Concerning housing benefit districts.  
Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Bateman; Chopp; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Hutchins; and Low.

Referred to Committee on Capital Budget

February 8, 2023

HB 1151 Prime Sponsor, Representative Stonier:  
Mandating coverage for fertility services.  
Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

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

MINORITY recommendation: Without recommendation. Signed by Representatives Graham; and Mosbrucker.

Referred to Committee on Appropriations

February 7, 2023

HB 1238 Prime Sponsor, Representative Riccelli:  
Providing free school meals for all. Reported  
by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Eslick; Harris; Ortiz-Self; Pollet; Steele; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Sandlin.

MINORITY recommendation: Without recommendation. Signed by Representatives McEntire, Assistant Ranking Minority Member; and McClintock.

Referred to Committee on Appropriations

February 7, 2023

HB 1252 Prime Sponsor, Representative Bateman:  
Concerning impact fee deferrals. Reported  
by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member;



Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Hutchins; Low; Reed and Taylor.

February 8, 2023

Referred to Committee on Rules for second reading

February 7, 2023

HB 1316 Prime Sponsor, Representative Paul: Expanding access to dual credit programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

February 7, 2023

HB 1332 Prime Sponsor, Representative Lekanoff: Supporting public school instruction in tribal sovereignty and federally recognized Indian tribes. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

February 8, 2023

HB 1351 Prime Sponsor, Representative Reed: Prohibiting the imposition of minimum parking requirements except under certain circumstances. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representative Goehner, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Rules for second reading

February 7, 2023

HB 1386 Prime Sponsor, Representative Rule: Establishing a youth development grant program. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Appropriations

HB 1392

Prime Sponsor, Representative Gregerson: Promoting the fair servicing and repair of digital electronic equipment. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Chapman; Donaghy; Hackney; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Ranking Minority Member; Connors; and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives McClintock, Assistant Ranking Minority Member; Cheney; and Sandlin.

Referred to Committee on Appropriations

February 9, 2023

HB 1411 Prime Sponsor, Representative Ortiz-Self: Supporting student success through cross-sector professional development. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

February 8, 2023

HB 1450 Prime Sponsor, Representative Stonier: Concerning coverage for biomarker testing. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Appropriations

February 9, 2023

HB 1507 Prime Sponsor, Representative Entenman: Concerning fair housing training for officers or board members in common interest communities. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 7, 2023

HB 1580 Prime Sponsor, Representative Callan:  
Creating a system to support children in  
crisis. Reported by Committee on Human  
Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

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 eighth order of business.

#### **MOTION**

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 1255, and the bill was referred to the Committee on Rules.

There being no objection, the House adjourned until 10:30 a.m., Monday, February 13, 2023, the 36th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

THIRTY SIXTH DAY

House Chamber, Olympia, Monday, February 13, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Layla Laufmann and Colin Stark. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Molly Fraser, Gig Harbor United Methodist Church.

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 fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1819 by Representatives Reed, Berry, Chapman, Timmons and Pollet

AN ACT Relating to music instruction in public schools; amending RCW 28A.230.305; adding a new section to chapter 28A.345 RCW; and creating a new section.

Referred to Committee on Education.

HB 1820 by Representatives Walsh and Volz

AN ACT Relating to increasing permissible uses of existing local sales tax authority; and amending RCW 82.14.450.

Referred to Committee on Local Government.

HB 1821 by Representatives Slatter, Timmons and Pollet

AN ACT Relating to creating a postsecondary credential transparency work group; and adding new sections to chapter 28C.18 RCW.

Referred to Committee on Postsecondary Education & Workforce.

HB 1822 by Representatives Morgan and Chapman

AN ACT Relating to complimentary products provided by short-term rental operators to guests; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Regulated Substances & Gaming.

HB 1823 by Representatives Timmons, Slatter and Ramel

AN ACT Relating to the Washington student loan program; and amending RCW 28B.93.005, 28B.93.010, 28B.93.020, 28B.93.030, 28B.93.040, and 28B.93.050.

Referred to Committee on Postsecondary Education & Workforce.

HB 1824 by Representatives Eslick, Chapman and Volz

AN ACT Relating to authorizing bona fide charitable or nonprofit organizations to conduct shooting sports and

activities sweepstakes; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Regulated Substances & Gaming.

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**

February 8, 2023

HB 1039

Prime Sponsor, Representative Macri: Concerning physical therapists performing intramuscular needling. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Rude.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1075

Prime Sponsor, Representative Thai: Expanding eligibility for the working families' tax credit to everyone age 18 and older. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary.

Referred to Committee on Appropriations

February 7, 2023

HB 1110

Prime Sponsor, Representative Bateman: Increasing middle housing in areas traditionally dedicated to single-family detached housing. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Barkis; Bateman; Chopp; Low; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; and Hutchins.

Referred to Committee on Appropriations

February 9, 2023

HB 1118 Prime Sponsor, Representative Mosbrucker: Addressing school bus safety. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Eslick; McClintock; Ortiz-Self; Pollet; Sandlin; Steele and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Bergquist; Callan; Harris; and Stonier.

Referred to Committee on Appropriations

February 9, 2023

HB 1132 Prime Sponsor, Representative Goodman: Concerning oversight and training requirements for limited authority Washington peace officers and agencies. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

February 8, 2023

HB 1134 Prime Sponsor, Representative Orwall: Implementing the 988 behavioral health crisis response and suicide prevention system. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Appropriations

February 8, 2023

HB 1175 Prime Sponsor, Representative Doglio: Creating a state financial assurance program

for petroleum underground storage tanks.  
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1216 Prime Sponsor, Representative Fitzgibbon: Concerning clean energy siting. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Abbarno; Berry; Couture; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

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

MINORITY recommendation: Without recommendation. Signed by Representative Goehner.

Referred to Committee on Appropriations

February 8, 2023

HB 1222 Prime Sponsor, Representative Orwall: Requiring coverage for hearing instruments. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; and Schmick.

Referred to Committee on Rules for second reading

February 8, 2023

HB 1258 Prime Sponsor, Representative Ryu: Increasing tourism to Washington state through enhancement of the statewide tourism marketing account and changing necessary match requirements. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis;

Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1267 Prime Sponsor, Representative Tharinger: Concerning rural public facilities sales and use tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Local Government be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1273 Prime Sponsor, Representative Berg: Concerning high school and beyond planning. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

February 9, 2023

HB 1290 Prime Sponsor, Representative Lekanoff: Concerning training for tribal police officers and employees. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1303 Prime Sponsor, Representative Street: Concerning the administration of property taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1305 Prime Sponsor, Representative Pollet: Improving access to and provision of a free appropriate public education for students with disabilities. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

February 9, 2023

HB 1329 Prime Sponsor, Representative Mena: Preventing utility shutoffs for nonpayment during extreme heat. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Couture; and Goehner.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1369 Prime Sponsor, Representative Griffey: Concerning off-duty employment of fish and wildlife officers. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1390 Prime Sponsor, Representative Ramel: Concerning district energy systems. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Abbarno; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Barnard; Couture; and Goehner.

Referred to Committee on Capital Budget

February 9, 2023

HB 1413 Prime Sponsor, Representative Shavers: Concerning flexible work for general and limited authority Washington peace officers. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

February 10, 2023

HB 1455 Prime Sponsor, Representative Stonier: Eliminating child marriage. Reported by Committee on Civil Rights & Judiciary

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

Referred to Committee on Rules for second reading

February 9, 2023

HB 1477 Prime Sponsor, Representative Thai: Making changes to the working families' tax credit. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Appropriations

February 9, 2023

HB 1478 Prime Sponsor, Representative Timmons: Establishing a statement of student rights. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Ortiz-Self; Pollet; Sandlin; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Eslick; McClintock; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1508 Prime Sponsor, Representative Macri: Improving consumer affordability through the health care cost transparency board. Reported by Committee on Health Care & Wellness

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

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member;

Hutchins, Assistant Ranking Minority Member; Barnard; Graham; Harris; Maycumber; and Mosbrucker.

Referred to Committee on Appropriations

February 9, 2023

HB 1527 Prime Sponsor, Representative Wylie: Making technical corrections to the local tax increment financing program. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Barnard; Chopp; Ramel; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Jacobsen, Assistant Ranking Minority Member; and Santos.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1569 Prime Sponsor, Representative Leavitt: Protecting unit owners in common interest communities. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Bateman; Chopp; Entenman; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Connors, Assistant Ranking Minority Member; Barkis; Hutchins; and Low.

Referred to Committee on Appropriations

February 10, 2023

HB 1626 Prime Sponsor, Representative Bronoske: Concerning coverage for colorectal screening tests under medical assistance programs. Reported by Committee on Health Care & Wellness

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

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 sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1481, by Representatives Cortes, Stearns, Chopp, Chapman, Peterson, Jacobsen, Ramel, Orwall, Ormsby, Reeves, Senn, Leavitt, Ortiz-Self, Taylor, Bergquist and Pollet**

**Permitting general authority peace officers certificated by the criminal justice training commission and employed on a**

**full-time basis by the government of a federally recognized tribe to participate in the law enforcement officers' and firefighters' retirement system plan 2.**

The bill was read the second time.

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

Representatives Cortes and Corry spoke in favor of the passage of the bill.

**MOTIONS**

On motion of Representative Ramel, Representative Jinkins was excused.

On motion of Representative Griffey, Representative Chandler was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1481.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1481, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Representatives Chandler and Mme. Speaker

HOUSE BILL NO. 1481, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1146, by Representatives Paul, Steele, Ramel, Taylor, Callan, Rude, Timmons, Chopp, Lekanoff, Duerr, Ramos, Shavers, Stonier, Pollet, Santos, Riccelli and Ormsby**

**Notifying high school students and their families about available dual credit programs and any available financial assistance.**

The bill was read the second time.

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

Representatives Paul and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1146.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1146, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Representatives Chandler and Mme. Speaker

HOUSE BILL NO. 1146, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1345, by Representatives Farivar, Senn, Simmons, Bateman, Lekanoff, Pollet, Fosse and Davis**

**Concerning the contribution to costs of privileges by incarcerated individuals.**

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 Farivar spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1345.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1345, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Hutchins, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters and Wylie

Voting Nay: Representatives Abbarno, Barkis, Barnard, Chambers, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Jacobsen, Klicker, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Chandler and Mme. Speaker

HOUSE BILL NO. 1345, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Pollet congratulated Representative Farivar on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1043, by Representatives McEntire, Leavitt and Walsh**

**Concerning association records in common interest communities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1043 was substituted for House Bill No. 1043 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1043 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 McEntire and Peterson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1043.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1043, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Representatives Chandler and Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1043, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Walsh congratulated Representative McEntire on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1657, by Representatives Street, Cheney, Simmons, Taylor, Ormsby and Hutchins**

**Authorizing justices, judges, and judicial officers of federal courts to solemnize marriages.**

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1657.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1657, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Representatives Chandler and Mme. Speaker

HOUSE BILL NO. 1657, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Santos congratulated Representative Street on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1471, by Representatives Stearns, Ramos, Gregerson and Ryu**

**Modifying state procurement procedures for competitive, sole source, convenience, and emergency goods and services contracts.**

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1471.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1471, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Representatives Chandler and Mme. Speaker

HOUSE BILL NO. 1471, having received the necessary constitutional majority, was declared passed.



**HOUSE BILL NO. 1060, by Representatives Corry, Berry, Walen and Reeves**

**Concerning reorganization of domestic mutual insurers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1060 was substituted for House Bill No. 1060 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1060 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 Corry and Walen spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1060.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1060, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Ybarra

Excused: Representatives Chandler and Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1060, having received the necessary constitutional majority, was declared passed.

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Bronoske presiding) introduced the San Juan Island Eco Club from the 40th District and asked the Chamber to acknowledge them.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, February 14, 2023, the 37th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## THIRTY SEVENTH DAY

House Chamber, Olympia, Tuesday, February 14, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1825 by Representatives Harris, Stonier and Macri

AN ACT Relating to certificated teacher compensation at the Washington state center for deaf and hard of hearing youth and the state school for the blind; amending RCW 72.40.028; and creating a new section.

Referred to Committee on Appropriations.

HB 1826 by Representative Rude

AN ACT Relating to removing party preferences from the ballot and voters' pamphlet; and amending RCW 29A.52.112, 29A.04.110, 29A.32.032, 29A.24.031, and 42.17A.320.

Referred to Committee on State Government & Tribal Relations.

HB 1827 by Representatives Walsh and Eslick

AN ACT Relating to preventing discrimination based on vaccination status and creating the medical freedom act; amending RCW 43.70.010, 49.60.010, 49.60.020, 49.60.030, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.222, 49.60.223, 49.60.224, 49.60.225, 49.60.405, and 28A.210.080; reenacting and amending RCW 49.60.040; adding new sections to chapter 43.70 RCW; and creating a new section.

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**

February 10, 2023

HB 1025 Prime Sponsor, Representative Thai: Creating a private right of action for harm from violations of the state Constitution or state law by peace officers. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson and Thai.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham,

Assistant Ranking Minority Member; Cheney; Rude; and Walen.

Referred to Committee on Appropriations

February 9, 2023

HB 1047 Prime Sponsor, Representative Mena: Concerning the use of toxic chemicals in cosmetic products. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1084 Prime Sponsor, Representative Fey: Concerning freight mobility prioritization. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1085 Prime Sponsor, Representative Mena: Reducing plastic pollution. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1138 Prime Sponsor, Representative Chapman:  
Concerning drought preparedness. Reported  
by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Couture; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Connors; Dye; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Corry, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1170 Prime Sponsor, Representative Street:  
Improving climate resilience through updates  
to the state's integrated climate response  
strategy. Reported by Committee on  
Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Couture; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Dye; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; Rude; and Sandlin.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1177 Prime Sponsor, Representative Lekanoff:  
Creating a missing and murdered indigenous  
women and people cold case investigations  
unit. Reported by Committee on  
Appropriations

MAJORITY recommendation: The substitute bill by Committee on Community Safety, Justice, & Reentry be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Chandler.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1181 Prime Sponsor, Representative Duerr:  
Improving the state's response to climate  
change by updating the state's planning  
framework. Reported by Committee on  
Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1187 Prime Sponsor, Representative Hackney:  
Concerning privileged communication  
between employees and the unions that  
represent them. Reported by Committee on  
Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representative Cheney.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1217 Prime Sponsor, Representative Ortiz-Self:  
Concerning wage complaints. Reported by  
Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1257 Prime Sponsor, Representative Hackney:  
Concerning the authority of cargo and  
passenger ports. Reported by Committee on  
Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority

Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 8, 2023

HB 1261 Prime Sponsor, Representative Walen: Concerning cost sharing for diagnostic and supplemental breast examinations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chandler; Couture; and Schmick.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1269 Prime Sponsor, Representative Riccelli: Amending the prescription drug affordability board. Reported by Committee on Health Care & Wellness

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

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

MINORITY recommendation: Without recommendation. Signed by Representatives Barnard; Maycumber; Mosbrucker; and Thai.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1304 Prime Sponsor, Representative Hackney: Regulating electric security alarm systems. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

MINORITY recommendation: Without recommendation. Signed by Representative Alvarado, Vice Chair.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1309 Prime Sponsor, Representative Fosse: Adding references to contractor registration

and licensing laws in workers' compensation, public works, and prevailing wage statutes. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1319 Prime Sponsor, Representative Reed: Addressing collision reporting criteria triggering driver's license reexamination. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1384 Prime Sponsor, Representative Shavers: Providing access to parks to all Washington veterans. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

February 10, 2023

HB 1385 Prime Sponsor, Representative Hackney: Concerning seizure and forfeiture procedures and reporting. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

February 9, 2023

HB 1388 Prime Sponsor, Representative Macri: Protecting tenants by prohibiting predatory residential rent practices and by applying the consumer protection act to the residential landlord-tenant act and the manufactured/mobile home landlord-tenant act. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Bateman; Chopp; Entenman; Reed and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Hutchins; and Low.

Referred to Committee on Appropriations

February 9, 2023

HB 1389 Prime Sponsor, Representative Ramel: Concerning residential rent increases under the residential landlord-tenant act and the manufactured/mobile home landlord-tenant act. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Bateman; Chopp; Entenman; Reed and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Hutchins; and Low.

Referred to Committee on Appropriations

February 9, 2023

HB 1391 Prime Sponsor, Representative Ramel: Concerning energy in buildings. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

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

Referred to Committee on Appropriations

February 10, 2023

HB 1420 Prime Sponsor, Representative Hackney: Concerning lien priority of mortgages and deeds of trust. Reported by Committee on Civil Rights & Judiciary

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

Referred to Committee on Rules for second reading

February 9, 2023

HB 1427 Prime Sponsor, Representative Mena: Concerning on-premises energy generation. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye,

Ranking Minority Member; Abbarno; Barnard; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

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

MINORITY recommendation: Without recommendation. Signed by Representative Couture.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1448 Prime Sponsor, Representative Hackney: Concerning compliance with federal motor carrier safety administration requirements for the drug and alcohol clearinghouse. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1458 Prime Sponsor, Representative Shavers: Concerning unemployment insurance benefits for apprenticeship program participants. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1474 Prime Sponsor, Representative Taylor: Creating the covenant homeownership account and program to address the history of housing discrimination due to racially restrictive real estate covenants in Washington state. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Bateman; Chopp; Entenman; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Hutchins; and Low.

Referred to Committee on Appropriations

February 9, 2023

HB 1485 Prime Sponsor, Representative Orcutt:  
Concerning roadside safety measures.  
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1488 Prime Sponsor, Representative Orcutt:  
Creating special license plates that support  
working forests. Reported by Committee on  
Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz and Wylie.

MINORITY recommendation: Without recommendation.  
Signed by Representative Walsh.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1499 Prime Sponsor, Representative Shavers:  
Concerning food assistance funding.  
Reported by Committee on Human Services,  
Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation.  
Signed by Representatives Dent; and Walsh.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1510 Prime Sponsor, Representative Santos:  
Establishing permanent funding for  
community preservation and development  
authorities approved through RCW  
43.167.060. Reported by Committee on  
Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Finance

February 10, 2023

HB 1511 Prime Sponsor, Representative Reeves:  
Concerning calculation of income for certain  
early learning and child care programs.  
Reported by Committee on Human Services,  
Youth, & Early Learning

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

Referred to Committee on Appropriations

February 10, 2023

HB 1514 Prime Sponsor, Representative Robertson:  
Addressing the purchase and distribution of  
insignia to manufacturers of recreational  
vehicles and/or park trailers. Reported by  
Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1519 Prime Sponsor, Representative Barkis:  
Concerning local project review. Reported by  
Committee on Local Government

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

Referred to Committee on Rules for second reading

February 10, 2023

HB 1531 Prime Sponsor, Representative Dent:  
Promoting economic development of the  
aerospace industry through a committee  
empowered to advise on industry issues other  
than the siting of commercial airports.  
Reported by Committee on Innovation,  
Community & Economic Development, &  
Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Street; Waters and Ybarra.

MINORITY recommendation: Without recommendation.  
Signed by Representatives Senn; and Shavers.

Referred to Committee on Appropriations

February 10, 2023

HB 1533 Prime Sponsor, Representative Mena: Exempting the disclosure of certain information of agency employees or their dependents who are survivors of domestic violence, sexual assault, harassment, or stalking. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1540 Prime Sponsor, Representative Hutchins: Requiring driver training curriculum to include instruction on sharing the road with large vehicles, including commercial motor vehicles and buses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1541 Prime Sponsor, Representative Farivar: Establishing the nothing about us without us act. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representative Christian, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno, Ranking Minority Member; and Low.

Referred to Committee on Appropriations

February 10, 2023

HB 1542 Prime Sponsor, Representative Bronoske: Requiring automated external defibrillators to be available and accessible when work is being performed on high voltage lines and equipment. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

HB 1547 Prime Sponsor, Representative Caldier: Increasing the health care workforce by authorizing out-of-state providers to practice immediately. Reported by Committee on Health Care & Wellness

February 10, 2023

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Harris.

MINORITY recommendation: Without recommendation. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1567 Prime Sponsor, Representative Gregerson: Commissioning a study on conservation district election costs under Title 29A RCW. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1570 Prime Sponsor, Representative Berry: Concerning social insurance programs applicable to transportation network companies and drivers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

February 10, 2023

HB 1572 Prime Sponsor, Representative Springer: Concerning venue for actions for the recovery of taxes. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1575

Prime Sponsor, Representative Reed: Modifying the sales and use tax for cultural access programs by allowing the tax to be imposed by a councilmanic or commission authority and defining timelines and priorities for action. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Finance

February 10, 2023

HB 1576

Prime Sponsor, Representative Caldier: Concerning the dentist and dental hygienist compact. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

February 9, 2023

HB 1579

Prime Sponsor, Representative Stonier: Establishing a mechanism for independent prosecutions within the office of the attorney general of criminal conduct arising from police use of force. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

February 10, 2023

HB 1585

Prime Sponsor, Representative Cortes: Addressing local infrastructure project areas. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representative Jacobsen, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Goehner, Ranking Minority Member; and Griffey.

Referred to Committee on Finance

February 10, 2023

HB 1599

Prime Sponsor, Representative Goodman: Concerning court files and records exemptions for firearm background checks. Reported by Committee on Civil Rights & Judiciary

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

Referred to Committee on Rules for second reading

February 10, 2023

HB 1600

Prime Sponsor, Representative Goodman: Providing access to sealed juvenile records for firearm purposes. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Ranking Minority Member.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1621

Prime Sponsor, Representative Ryu: Concerning standardizing local government procurement rules among special purpose districts, first-class and second-class cities, and public utility districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1628

Prime Sponsor, Representative Chopp: Increasing the supply of affordable housing by modifying the state and local real estate excise tax. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Finance

February 10, 2023



HB 1637 Prime Sponsor, Representative Orwall: Prohibiting excessive fees or other charges for locating or recovering foreclosure surplus funds and other unclaimed property. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Graham, Assistant Ranking Minority Member; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; and Cheney.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1639 Prime Sponsor, Representative Lekanoff: Concerning the Billy Frank Jr. national statutory hall selection committee. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Appropriations

February 9, 2023

HB 1647 Prime Sponsor, Representative Chapman: Creating keep Washington evergreen special license plates. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1652 Prime Sponsor, Representative Taylor: Concerning child support pass through. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

February 10, 2023

HB 1661 Prime Sponsor, Representative Maycumber: Establishing a pilot project for mobile mental health crisis intervention. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

February 10, 2023

HB 1683 Prime Sponsor, Representative Barnard: Concerning health carriers offering dental only coverage. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

February 10, 2023

HB 1717 Prime Sponsor, Representative Rule: Supporting innovation at associate development organizations. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

February 10, 2023

HB 1738 Prime Sponsor, Representative Ryu: Concerning the state universal communication services program. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

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.

The Speaker assumed the chair.

### **SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1103  
SENATE CONCURRENT RESOLUTION NO. 8403

With the consent of the House, SUBSTITUTE HOUSE BILL NO. 1103 was immediately transmitted to the Senate.

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

**MOTIONS**

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

HOUSE BILL NO. 1061  
HOUSE BILL NO. 1079  
HOUSE BILL NO. 1088  
HOUSE BILL NO. 1106  
HOUSE BILL NO. 1207  
HOUSE BILL NO. 1230  
HOUSE BILL NO. 1236  
HOUSE BILL NO. 1281  
HOUSE BILL NO. 1293  
HOUSE BILL NO. 1321  
HOUSE BILL NO. 1335  
HOUSE BILL NO. 1408  
HOUSE BILL NO. 1443

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

HOUSE BILL NO. 1202  
HOUSE BILL NO. 1221  
HOUSE BILL NO. 1266  
HOUSE BILL NO. 1271  
HOUSE BILL NO. 1289  
HOUSE BILL NO. 1334  
HOUSE BILL NO. 1336  
HOUSE BILL NO. 1349

There being no objection, the House adjourned until 10:30 a.m., Wednesday, February 15, 2023, the 38th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## THIRTY EIGHTH DAY

House Chamber, Olympia, Wednesday, February 15, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall 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 Brie Riggs and Remy Craig. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Gordy Hutchins, Grace Baptist Church, Tacoma.

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

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Orwall presiding) recognized recently retired Mason County Sheriff Casey Salisbury seated in the North Gallery with Mason County Sheriff Ryan Spurling and deputies from the Mason County Sheriff's Office and asked the Chamber to acknowledge them.

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

**MESSAGE FROM THE SENATE**

Tuesday, February 14, 2023

Mme. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1103

and the same is herewith transmitted.

Sarah Bannister, Secretary

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

**INTRODUCTION & FIRST READING**HB 1828 by Representatives Bronoske and Leavitt

AN ACT Relating to discretionary decline hearings; and amending RCW 13.40.110.

Referred to Committee on Human Services, Youth, & Early Learning.

HB 1829 by Representatives Fey and Barkis

AN ACT Relating to creating the LeMay-America's Car Museum special license plate; reenacting and amending RCW 46.17.220, 46.18.200, and 46.68.420; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1830 by Representative Klicker

AN ACT Relating to modifying the definition of nonhighway vehicle for the purposes of chapter 46.09 RCW; and reenacting and amending RCW 46.09.310.

Referred to Committee on Transportation.

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**

February 13, 2023

HB 1188

Prime Sponsor, Representative Senn: Concerning individuals with developmental disabilities that have also received child welfare services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services, Youth, & Early Learning. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1192

Prime Sponsor, Representative Duerr: Concerning electric power system transmission planning. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Couture; and Goehner.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1512

Prime Sponsor, Representative Mosbrucker: Providing tools and resources for the location and recovery of missing persons. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

February 9, 2023

HB 1513 Prime Sponsor, Representative Street: Improving traffic safety. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar and Fosse.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

MINORITY recommendation: Without recommendation. Signed by Representative Ramos.

Referred to Committee on Transportation

February 13, 2023

HB 1536 Prime Sponsor, Representative Timmons: Clarifying requirements governing the withholding of high school diplomas. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Harris; Ortiz-Self; Pollet; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Ranking Minority Member; Eslick; McClintock; Sandlin; and Steele.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1551 Prime Sponsor, Representative Pollet: Reducing lead in cookware. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Appropriations

February 13, 2023

HB 1635 Prime Sponsor, Representative Mosbrucker: Limiting liability arising from the use of trained police dogs. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1731 Prime Sponsor, Representative Waters: Concerning complimentary liquor by short-term rental operators. Reported by

Committee on Regulated Substances & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Orwall; Reeves; Walsh and Waters.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1758 Prime Sponsor, Representative Mena: Concerning permitting for certain hatchery maintenance activities. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Rules for second reading

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 sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1068, by Representatives Bronoske, Simmons, Ryu, Goodman, Berry, Bateman, Peterson, Taylor, Doglio, Gregerson, Wylie, Pollet, Davis, Santos, Ormsby and Fosse**

**Concerning injured workers' rights during compelled medical examinations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1068 was substituted for House Bill No. 1068 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1068 was read the second time.

Representative Robertson moved the adoption of amendment (015):

On page 2, beginning on line 15, after "(a)" strike all material through "appeals" on line 36 and insert "When agreed to by the parties and the examination provider, any examination, except for psychiatric examinations and neuropsychological evaluations, ordered under this section, RCW 51.32.110, or by order of the department or board of industrial insurance appeals, may be recorded using video or audio recording equipment if: (i) the recording is done in an unobtrusive manner; (ii) the recording does not interfere with the examination; and (iii) the worker does not hold the recording equipment during the examination. Intent to record and agreements to record must be made in writing and communicated to all parties

within 14 days prior to the examination date to avoid scheduling delays.

(b) Recordings made under this subsection are deemed confidential pursuant to RCW 51.28.070. An unedited recording of an examination must be kept in a secure location, and access to the recording is restricted to authorized individuals, including the worker or worker's representative, employer or employer's representative, the examiner or examiners, the department, and the board of industrial insurance appeals.

(c) The recording shall not be tampered with in any way, and any benefits received as a result of any material alteration of the recording by the worker or done on the worker's behalf may be subject to repayment pursuant to RCW 51.32.240.

(d) A record of who has viewed the recording and when the recording was viewed must be kept by the entity securing the recording and must be provided to all parties within 14 days of the viewing.

(e) The party requesting audio or video recording is responsible for the reasonable cost of the recording, unless otherwise ordered by the department or board of industrial insurance appeals.

(f) Prior to making a recording of an examination, the party recording shall attest in writing, on a form provided by the examination provider, that: (i) the party making the recording is making a recording to document the examination; (ii) the parties consent to the recording or were ordered to record the examination; (iii) there may be privacy and confidentiality concerns associated with the recording, including the potential for sensitive information about the worker's health and medical history to be disclosed; and (iv) the examiner or examiners conducting the examination are not responsible for any privacy or confidentiality issues that may arise from the worker's recording.

(g) The worker has the right to have one person, who is at least the age of majority and who is of the worker's choosing, to be present to observe all examinations, except for psychiatric examinations and neuropsychology evaluations, ordered under this section, RCW 51.32.110, or by the board of industrial insurance appeals"

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

Representative Berry spoke against the adoption of the amendment.

Amendment (015) 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.

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

Representative Robertson spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1068.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1068, and the bill passed the House by the following vote: Yeas, 65; Nays, 33; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Barnard, Chambers, Chandler, Chapman, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Jacobsen, Klicker, McClintock, McEntire, Mosbrucker, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Springer, Steele, Stokesbary, Volz, Walen, Walsh, Wilcox and Ybarra

SUBSTITUTE HOUSE BILL NO. 1068, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1009, by Representatives Leavitt, Barkis, Ryu, Paul, Donaghy, Slatter, Simmons, Low, Volz, Schmidt, Christian, Lekanoff, Griffey, Doglio, Robertson, Orwall, Caldier, Reeves, Bronoske, Bergquist, Shavers, Riccelli and Ormsby**

### Concerning military spouse employment.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1009 was substituted for House Bill No. 1009 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1009 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 Leavitt and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1009.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1009, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SECOND SUBSTITUTE HOUSE BILL NO. 1009, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1073, by Representatives Harris, Tharinger, Ryu, Leavitt, Macri, Caldier, Santos and Ormsby**

**Concerning medical assistants.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1073 was substituted for House Bill No. 1073 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1073 was read the second time.

Representative Riccelli moved the adoption of the striking amendment (012):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.360.010 and 2021 c 44 s 2 are each amended to read as follows:

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

(1) "Administer" means the retrieval of medication, and its application to a patient, as authorized in RCW 18.360.050.

(2) "Delegation" means direct authorization granted by a licensed health care practitioner to a medical assistant to perform the functions authorized in this chapter which fall within the scope of practice of the health care provider and the training and experience of the medical assistant.

(3) "Department" means the department of health.

(4) "Forensic phlebotomist" means a police officer, law enforcement officer, or employee of a correctional facility or detention facility, who is certified under this chapter and meets any additional training and proficiency standards of his or her employer to collect a venous blood sample for forensic testing pursuant to a search warrant, a waiver of the warrant requirement, or exigent circumstances.

(5) "Health care practitioner" means:

(a) A physician licensed under chapter 18.71 RCW;

(b) An osteopathic physician and surgeon licensed under chapter 18.57 RCW; or

(c) Acting within the scope of their respective licensure, a podiatric physician and surgeon licensed under chapter 18.22 RCW, a registered nurse or advanced registered nurse practitioner licensed under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A RCW, a physician assistant licensed under chapter 18.71A RCW, or an optometrist licensed under chapter 18.53 RCW.

(6) "Medical assistant-certified" means a person certified under RCW 18.360.040 who assists a health care practitioner with patient care, executes administrative and clinical procedures, and performs functions as provided in RCW 18.360.050 under the supervision of the health care practitioner.

(7) "Medical assistant-hemodialysis technician" means a person certified under RCW 18.360.040 who performs hemodialysis and other functions pursuant to RCW 18.360.050 under the supervision of a health care practitioner.

(8) "Medical assistant-phlebotomist" means a person certified under RCW 18.360.040 who performs capillary, venous, and arterial invasive procedures for blood withdrawal and other functions pursuant to RCW 18.360.050 under the supervision of a health care practitioner.

(9) "Medical assistant-registered" means a person registered under RCW 18.360.040 who, pursuant to an endorsement by a health care practitioner, clinic, or group practice, assists a health care practitioner with patient care, executes administrative and clinical procedures, and performs functions as provided in RCW 18.360.050 under the supervision of the health care practitioner.

(10) "Secretary" means the secretary of the department of health.

(11)(a) "Supervision" means supervision of procedures permitted pursuant to this chapter by a health care practitioner who is physically present and is immediately available in the facility, except as provided in (b) and (c) of this subsection.

(b) The health care practitioner does not need to be present during procedures to withdraw blood, administer vaccines, or obtain specimens for or perform diagnostic testing, but must be immediately available.

(c) During a telemedicine visit, supervision over a medical assistant assisting a health care practitioner with the telemedicine visit may be provided through interactive audio and video telemedicine technology.

"**Sec. 2.** RCW 18.360.040 and 2017 c 336 s 17 are each amended to read as follows:

(1)(a) The secretary shall issue a certification as a medical assistant-certified to any person who has satisfactorily completed a medical assistant training program approved by the secretary, passed an examination approved by the secretary, and met any additional qualifications established under RCW 18.360.030.

(b) The secretary shall issue an interim certification to any person who has met all of the qualifications in (a) of this subsection, except for the passage of the examination. A person holding an interim permit possesses the full scope of practice of a medical assistant-certified. The interim permit expires upon passage of the examination and issuance of a certification, or after one year, whichever occurs first, and may not be renewed.

(2)(a) The secretary shall issue a certification as a medical assistant-hemodialysis technician to any person who meets the qualifications for a medical assistant-hemodialysis technician established under RCW 18.360.030.

(b) In order to allow sufficient time for the processing of a medical assistant-hemodialysis technician certification, applicants for that credential who have completed their training program are allowed

to continue to work at dialysis facilities, under the level of supervision required for the training program, for a period of up to 180 days after filing their application, to facilitate patient continuity of care.

(3)(a) The secretary shall issue a certification as a medical assistant-phlebotomist to any person who meets the qualifications for a medical assistant-phlebotomist established under RCW 18.360.030.

(b) In order to allow sufficient time for the processing of a medical assistant-phlebotomist certification, applicants for that credential who have completed their training program are allowed to work, under the level of supervision required for the training program, for a period of up to 180 days after filing their application, to facilitate access to services.

(4) The secretary shall issue a certification as a forensic phlebotomist to any person who meets the qualifications for a forensic phlebotomist established under RCW 18.360.030.

(5)(a) The secretary shall issue a registration as a medical assistant-registered to any person who has a current endorsement from a health care practitioner, clinic, or group practice.

(b) In order to be endorsed under this subsection (5), a person must:

(i) Be endorsed by a health care practitioner, clinic, or group practice that meets the qualifications established under RCW 18.360.030; and

(ii) Have a current attestation of his or her endorsement to perform specific medical tasks signed by a supervising health care practitioner filed with the department. A medical assistant-registered may only perform the medical tasks listed in his or her current attestation of endorsement.

(c) A registration based on an endorsement by a health care practitioner, clinic, or group practice is not transferable to another health care practitioner, clinic, or group practice.

(d) An applicant for registration as a medical assistant-registered who applies to the department within seven days of employment by the endorsing health care practitioner, clinic, or group practice may work as a medical assistant-registered for up to sixty days while the application is processed. The applicant must stop working on the sixtieth day of employment if the registration has not been granted for any reason.

(6) A certification issued under subsections (1) through (3) of this section is transferable between different practice settings. A certification under subsection (4) of this section is transferable between law enforcement agencies.

**Sec. 3.** RCW 18.360.050 and 2014 c 138 s 1 are each amended to read as follows:

(1) A medical assistant-certified may perform the following duties delegated by, and under the supervision of, a health care practitioner:

(a) Fundamental procedures:

(i) Wrapping items for autoclaving;

(ii) Procedures for sterilizing equipment and instruments;

(iii) Disposing of biohazardous materials; and

(iv) Practicing standard precautions.

(b) Clinical procedures:

(i) Performing aseptic procedures in a setting other than a hospital licensed under chapter 70.41 RCW;

(ii) Preparing of and assisting in sterile procedures in a setting other than a hospital under chapter 70.41 RCW;

(iii) Taking vital signs;

(iv) Preparing patients for examination;

(v) Capillary blood withdrawal, venipuncture, and intradermal, subcutaneous, and intramuscular injections; and

(vi) Observing and reporting patients' signs or symptoms.

(c) Specimen collection:

(i) Capillary puncture and venipuncture;

(ii) Obtaining specimens for microbiological testing; and

(iii) Instructing patients in proper technique to collect urine and fecal specimens.

(d) Diagnostic testing:

(i) Electrocardiography;

(ii) Respiratory testing; and

(iii)(A) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under this subsection (1)(d) based on changes made by the federal clinical laboratory improvement amendments program; and

(B) Moderate complexity tests if the medical assistant-certified meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing.

(e) Patient care:

(i) Telephone and in-person screening limited to intake and gathering of information without requiring the exercise of judgment based on clinical knowledge;

(ii) Obtaining vital signs;

(iii) Obtaining and recording patient history;

(iv) Preparing and maintaining examination and treatment areas;

(v) Preparing patients for, and assisting with, routine and specialty examinations, procedures, treatments, and minor office surgeries;

(vi) Maintaining medication and immunization records; and

(vii) Screening and following up on test results as directed by a health care practitioner.

(f)(i) Administering medications. A medical assistant-certified may only administer medications if the drugs are:

(A) Administered only by unit or single dosage, or by a dosage calculated and verified by a health care practitioner. For purposes of this section, a combination or multidose vaccine shall be considered a unit dose;

(B) Limited to legend drugs, vaccines, and Schedule III-V controlled substances as authorized by a health care practitioner under the scope of his or her license and consistent with rules adopted by the secretary under (f)(ii) of this subsection; and

(C) Administered pursuant to a written order from a health care practitioner.

(ii) A medical assistant-certified may not administer experimental drugs or chemotherapy agents. The secretary may, by rule, further limit the drugs that may be administered under this subsection (1)(f). The rules adopted under this subsection must limit the drugs based on risk, class, or route.

(g) Intravenous injections. A medical assistant-certified may establish intravenous lines for diagnostic or therapeutic purposes, without administering medications, under the supervision of a health care practitioner, and administer intravenous injections for diagnostic or therapeutic agents under the direct visual supervision of a health care practitioner if the medical assistant-certified meets minimum standards established by the secretary in rule. The minimum standards must be substantially similar to the qualifications for category D and F health care assistants as they exist on July 1, 2013.

(h) Urethral catheterization when appropriately trained.

(2) A medical assistant-hemodialysis technician may perform hemodialysis when delegated and supervised by a health care practitioner. A medical assistant-hemodialysis technician may also administer drugs and oxygen to a patient when delegated and supervised by a health care practitioner and pursuant to rules adopted by the secretary.

(3) A medical assistant-phlebotomist may perform:

(a) Capillary, venous, or arterial invasive procedures for blood withdrawal when delegated and supervised by a health care practitioner and pursuant to rules adopted by the secretary;

(b) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under this section based on changes made by the federal clinical laboratory improvement amendments program;

(c) Moderate and high complexity tests if the medical assistant-phlebotomist meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing; and

(d) Electrocardiograms.

(4) A medical assistant-registered may perform the following duties delegated by, and under the supervision of, a health care practitioner:

(a) Fundamental procedures:

(i) Wrapping items for autoclaving;

(ii) Procedures for sterilizing equipment and instruments;

(iii) Disposing of biohazardous materials; and

(iv) Practicing standard precautions.

(b) Clinical procedures:

(i) Preparing for sterile procedures;

(ii) Taking vital signs;

(iii) Preparing patients for examination; and

(iv) Observing and reporting patients' signs or symptoms.

(c) Specimen collection:

(i) Obtaining specimens for microbiological testing; and

(ii) Instructing patients in proper technique to collect urine and fecal specimens.

(d) Patient care:

(i) Telephone and in-person screening limited to intake and gathering of information without requiring the exercise of judgment based on clinical knowledge;

(ii) Obtaining vital signs;

(iii) Obtaining and recording patient history;

(iv) Preparing and maintaining examination and treatment areas;

(v) Preparing patients for, and assisting with, routine and specialty examinations, procedures, treatments, and minor office surgeries (~~utilizing no more than local anesthetic~~), including those with minimal sedation. The department may, by rule, prohibit duties authorized under this subsection (4)(d)(v) if performance of those duties by a medical assistant-registered would pose an unreasonable risk to patient safety;

(vi) Maintaining medication and immunization records; and

(vii) Screening and following up on test results as directed by a health care practitioner.

(e) Diagnostic testing and electrocardiography.

(f)(i) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under subsection (1)(d) of this section based on changes made by the federal clinical laboratory improvement amendments program.

(ii) Moderate complexity tests if the medical assistant-registered meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing.

~~((f))~~ (g) Administering eye drops, topical ointments, and vaccines, including combination or multidose vaccines.

~~((g))~~ (h) Urethral catheterization when appropriately trained.

(i) Administering medications:

(i) A medical assistant-registered may only administer medications if the drugs are:

(A) Administered only by unit or single dosage, or by a dosage calculated and verified by a health care practitioner. For purposes of this section, a combination or multidose vaccine shall be considered a unit dose;

(B) Limited to legend drugs, vaccines, and Schedule III through V controlled substances as authorized by a health care practitioner under the scope of his or her license and consistent with rules adopted by the secretary under (i)(ii) of this subsection; and

(C) Administered pursuant to a written order from a health care practitioner.

(ii) A medical assistant-registered may only administer medication for intramuscular injections. A medical assistant-registered may not administer experimental drugs or chemotherapy agents. The secretary may, by rule, further limit the drugs that may be



administered under this subsection (4)(i). The rules adopted under this subsection must limit the drugs based on risk, class, or route.

(j) Intramuscular injections. A medical assistant-registered may administer intramuscular injections for diagnostic or therapeutic agents under the immediate supervision of a health care practitioner if the medical assistant-registered meets minimum standards established by the secretary in rule.

**NEW SECTION. Sec. 4.** 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.

Representatives Riccelli and Harris spoke in favor of the adoption of the striking amendment.

The striking amendment (012) 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 Harris and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1073.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1073, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1073, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Thursday, February 16, 2023, the 39th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## THIRTY NINTH DAY

House Chamber, Olympia, Thursday, February 16, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Nisei Veterans Committee Color Guard led by combat veteran Colonel Kay Wakatake, U.S. Army (Retired), and comprised of Mr. Dale Kaku, Past Commander, Nisei Veterans Committee; Mr. Dale Watanabe, Past Commander, Nisei Veterans Committee; and Lieutenant Colonel Michael Yaguchi, U.S. Air Force (Retired). The Pledge of Allegiance was led by Alexander Bertelsen, Troop 252, Seattle Betsuin Buddhist Church. The prayer was offered by Assistant Minister Johnny Valdez, Seattle Nichiren Buddhist Church.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4615**, by Representatives Jinkins, Wilcox, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, and Ybarra

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

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

WHEREAS, These detention centers were temporary quarters for the evacuees while the United States military department constructed 10 mass incarceration sites for Japanese Americans located in remote inland areas of the United States; and

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

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese Americans, many of whom reported for military duty from the concentration camps surrounded by barbed wire in which they and their families were detained; and

WHEREAS, More than 12,000 volunteers responded to questions about their loyalty and patriotism by amassing a battle record unparalleled in United States military history with a casualty rate of 314% and earning a collective 7 Presidential Unit

Citations, 21 Medals of Honor, 29 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, more than 4,000 Bronze Stars, 22 Legion of Merit Medals, 145 Soldier's Medals, 9,486 Purple Hearts, 16 decorations from France and Italy, and, in 2010, the Congressional Gold Medal; and

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

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

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

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

WHEREAS, Throughout Washington State, the last remaining survivors of the European and Asian Pacific battlefields of World War II and of American incarceration camps live their golden years in quiet contrast to their extraordinary acts of conscience and valor while all of America continues to benefit from their heroic patriotism;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives pause to acknowledge the 81st anniversary of the signing of Executive Order 9066; to recognize and remember Japanese American veterans, incarcerated, and civil rights activists from the State of Washington; and to reflect on, and honor, the lessons, blessings, and responsibilities of the phrase ". . .with liberty and justice for all"; and

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

Representative Shavers moved adoption of HOUSE RESOLUTION NO. 4615.

Representatives Shavers, Stokesbary, Stonier, McClintock and Santos spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4615 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Bronoske presiding) welcomed and recognized the following guest in attendance to observe Day of Remembrance: Consul General of Japan, Hsiao and Mrs. Inagaki; Bainbridge Island City Councilman Clarence Moriwaki; Port of Seattle Commissioner and Executive Director of the State Commission on Asian Pacific American Affairs, Toshiko Hasegawa; Survivors of American concentration camps: Frank and Penny Fukui, Eugene Tagawa, and Sam Owada; Representatives of the Seattle, Puyallup Valley and Olympia chapters of the Japanese American Citizens League; The Nisei Veterans Committee; the

Japan America Society of the state of Washington; the Mukai farm amp; garden; and the Wing Luke Asian Museum.

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

#### MESSAGE FROM THE SENATE

Wednesday, February 15, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5006  
 SENATE BILL NO. 5041  
 SENATE BILL NO. 5058  
 SENATE BILL NO. 5079  
 SUBSTITUTE SENATE BILL NO. 5110  
 SENATE BILL NO. 5122  
 SENATE BILL NO. 5192  
 SENATE BILL NO. 5295  
 SUBSTITUTE SENATE BILL NO. 5317  
 SENATE BILL NO. 5323  
 SENATE BILL NO. 5331  
 SENATE BILL NO. 5342  
 SUBSTITUTE SENATE BILL NO. 5381  
 SENATE BILL NO. 5421

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

#### INTRODUCTION & FIRST READING

HB 1831 by Representatives Ramos, Entenman and Simmons

AN ACT Relating to addressing the Washington state ferries' workforce shortages; adding a new section to chapter 47.60 RCW; adding a new section to chapter 28B.50 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1832 by Representatives Fey, Mena, Doglio and Ramel

AN ACT Relating to implementing a per mile charge on vehicle usage of public roadways; amending RCW 46.17.323, 46.17.324, 46.01.030, 46.01.040, and 42.56.330; adding a new section to chapter 46.17 RCW; adding a new section to chapter 46.08 RCW; adding a new section to chapter 46.68 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1833 by Representatives Paul, Hutchins and Ramel

AN ACT Relating to setting ferry fuel surcharges; amending RCW 47.60.315; and declaring an emergency.

Referred to Committee on Transportation.

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

February 13, 2023

HB 1024

Prime Sponsor, Representative Simmons: Concerning labor and income of incarcerated persons. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Transportation

February 13, 2023

HB 1055

Prime Sponsor, Representative Stokesbary: Concerning public safety employees' retirement plan membership for public safety telecommunicators. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1095

Prime Sponsor, Representative Walen: Creating a wage replacement program for certain Washington workers excluded from unemployment insurance. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Appropriations

February 14, 2023

HB 1117

Prime Sponsor, Representative Mosbrucker: Addressing the extent to which Washington residents are at risk of rolling blackouts and power supply inadequacy events. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1129

Prime Sponsor, Representative Gregerson: Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Barkis; Bateman; Chopp; Entenman; Low; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; and Hutchins.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1159

Prime Sponsor, Representative Wylie: Allowing interstate cannabis agreements. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Morgan; Orwall and Reeves.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Walsh; and Waters.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1168

Prime Sponsor, Representative Simmons: Providing prevention services, diagnoses, treatment, and support for prenatal substance exposure. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1186

Prime Sponsor, Representative Rule: Making permanent and expanding the child welfare housing assistance program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services, Youth, & Early Learning. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary,

Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1204

Prime Sponsor, Representative Callan: Implementing the family connections program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services, Youth, & Early Learning. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1232

Prime Sponsor, Representative Bergquist: Enhancing the college bound scholarship program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Rude; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1247

Prime Sponsor, Representative Reed: Licensing music therapists. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member; and Graham.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1248

Prime Sponsor, Representative Stonier: Concerning pupil transportation. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Connors; Couture; Harris; Rude; and Sandlin.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1308 Prime Sponsor, Representative Stonier: Concerning high school graduation pathway options. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Harris; Ortiz-Self; Pollet; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Ranking Minority Member; Eslick; and Steele.

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

Referred to Committee on Rules for second reading

February 14, 2023

HB 1311 Prime Sponsor, Representative Reeves: Addressing credit repair services performed by a credit services organization. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Santos and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Ranking Minority Member; and Sandlin.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1368 Prime Sponsor, Representative Senn: Requiring and funding the purchase of zero emission school buses. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Abbarno; Couture; and Goehner.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Assistant Ranking Minority Member; and Barnard.

Referred to Committee on Appropriations

February 14, 2023

HB 1375 Prime Sponsor, Representative Reeves: Concerning liquor licensee privileges for the delivery of alcohol. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Cheney; Morgan; Reeves and Waters.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Assistant Ranking Minority Member; Orwall; and Walsh.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1377 Prime Sponsor, Representative Santos: Posting of approved courses and providers of continuing education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1424 Prime Sponsor, Representative Berg: Concerning consumer protection with respect to the sale and adoption of dogs and cats. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; Chapman; Connors; Donaghy; Hackney; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representative Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives McClintock, Assistant Ranking Minority Member; Cheney; and Sandlin.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1498 Prime Sponsor, Representative Dye: Concerning aviation assurance funding in response to wildland fires. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

February 13, 2023

HB 1501 Prime Sponsor, Representative Steele: Authorizing additional counseling services for immediate family members of homicide victims. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1504 Prime Sponsor, Representative Low: Ensuring elementary school students receive sufficient daily recess. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1515 Prime Sponsor, Representative Macri: Concerning contracting and procurement requirements for behavioral health services in medical assistance programs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Harris.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

February 14, 2023

HB 1521 Prime Sponsor, Representative Bronoske: Concerning the duties of industrial insurance self-insured employers and third-party administrators. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1522 Prime Sponsor, Representative Pollet: Addressing sexual misconduct at scholarly or professional associations. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Ranking Minority Member; and Chandler.

Referred to Committee on Appropriations

February 14, 2023

HB 1526 Prime Sponsor, Representative Fosse: Concerning state electrical inspectors' salaries. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

February 13, 2023

HB 1530 Prime Sponsor, Representative Cortes: Expanding eligibility for employment of certain law enforcement and prosecutor office positions. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1534 Prime Sponsor, Representative Orwall: Strengthening protections for consumers in the construction industry. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

February 14, 2023

HB 1543 Prime Sponsor, Representative Dye: Establishing a wild horse holding and training program at Coyote Ridge corrections center. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1554 Prime Sponsor, Representative Doglio: Reducing public health and environmental impacts from lead. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

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

MINORITY recommendation: Without recommendation. Signed by Representative Ybarra, Assistant Ranking Minority Member.

Referred to Committee on Transportation

February 14, 2023

HB 1558 Prime Sponsor, Representative Cheney: Creating a separate fund for the purposes of self-insured pensions and assessments. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

February 13, 2023

HB 1565 Prime Sponsor, Representative Ortiz-Self: Supporting and strengthening the professional education workforce. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Eslick; Ortiz-Self; Pollet; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives McEntire, Assistant Ranking Minority Member; Harris; McClintock; and Sandlin.

Referred to Committee on Appropriations

February 14, 2023

HB 1566 Prime Sponsor, Representative Bateman: Concerning vacation leave accrual for state employees. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1578 Prime Sponsor, Representative Springer: Improving community preparedness, response, recovery, and resilience to wildland fire health and safety impacts in areas of increasing population density, including in the wildland urban interface. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

February 13, 2023

HB 1589 Prime Sponsor, Representative Doglio: Supporting Washington's clean energy economy and transitioning to a clean, affordable, and reliable energy future. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

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

Referred to Committee on Rules for second reading

February 15, 2023

HB 1596 Prime Sponsor, Representative Kloba: Providing local governments with options to increase affordable housing in their communities. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Berg and Riccelli.

MINORITY recommendation: Without recommendation. Signed by Representatives Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Finance

February 14, 2023

HB 1609 Prime Sponsor, Representative Eslick: Concerning school library information and technology programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Eslick; Harris; McClintock; Pollet; Sandlin; Steele and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Callan; Ortiz-Self; and Stonier.

Referred to Committee on Appropriations

February 14, 2023

HB 1622 Prime Sponsor, Representative Fey: Supporting the needs of students experiencing homelessness. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1624 Prime Sponsor, Representative Ybarra: Administering educational service district elections. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representative McEntire, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1633 Prime Sponsor, Representative Connors: Creating a homes for heroes program. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Capital Budget

February 14, 2023

HB 1636 Prime Sponsor, Representative Orwall: Concerning foreclosure protections for

homeowners in common interest communities. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1640 Prime Sponsor, Representative Street: Concerning the governor's authority to grant pardons and commutations. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1656 Prime Sponsor, Representative Schmidt: Concerning unemployment insurance benefits appeal procedures. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1658 Prime Sponsor, Representative Shavers: Authorizing public high school students to earn elective credit for paid work experience. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1676 Prime Sponsor, Representative Senn: Concerning special education early support for infants and toddlers. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant



Ranking Minority Member; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; and Walsh.

Referred to Committee on Appropriations

February 14, 2023

HB 1681 Prime Sponsor, Representative Stearns: Concerning problem gambling. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Orwall; Reeves; Walsh and Waters.

Referred to Committee on Finance

February 14, 2023

HB 1684 Prime Sponsor, Representative Slatter: Clarifying procedures for federally recognized tribes to report standard occupational classifications or job titles of workers under the employment security act. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1686 Prime Sponsor, Representative Lekanoff: Concerning salmon recovery reform. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt and Springer.

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

Referred to Committee on Appropriations

February 14, 2023

HB 1694 Prime Sponsor, Representative Alvarado: Addressing home care workforce shortages. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

February 14, 2023

HB 1695 Prime Sponsor, Representative Alvarado: Defining affordable housing for purposes of using surplus public property for public benefit. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1699 Prime Sponsor, Representative Kretz: Concerning establishing salaries for the Washington fish and wildlife commission. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative Chandler, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

February 14, 2023

HB 1707 Prime Sponsor, Representative Kloba: Concerning bingo conducted by bona fide charitable or nonprofit organizations. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Robertson, Assistant Ranking Minority Member; Morgan; Orwall; Reeves and Waters.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Ranking Minority Member; Cheney; and Walsh.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1728 Prime Sponsor, Representative Donaghy: Creating a statewide resiliency program. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Rule, Vice Chair; Barnard, Assistant Ranking Minority Member; Christian; Corry; Cortes; Paul; Senn; Shavers; Street and Waters.

MINORITY recommendation: Without recommendation. Signed by Representatives Volz, Ranking Minority Member; Chambers; and Ybarra.

Referred to Committee on Appropriations

February 14, 2023

HB 1730 Prime Sponsor, Representative Waters: Allowing people 18 years of age or older to work in certain 21 year and older establishments. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Reeves; Walsh and Waters.

MINORITY recommendation: Do not pass. Signed by Representatives Morgan; and Orwall.

Referred to Committee on Rules for second reading

February 13, 2023

HB 1735 Prime Sponsor, Representative Lekanoff: Adding net ecological gain as a voluntary element of comprehensive plans under the growth management act. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Couture; and Goehner.

Referred to Committee on Appropriations

February 14, 2023

HB 1746 Prime Sponsor, Representative Ryu: Concerning a state broadband map. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Capital Budget

February 14, 2023

HB 1771 Prime Sponsor, Representative Donaghy: Concerning relocation assistance for tenants of closed or converted manufactured/mobile home parks. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1772

Prime Sponsor, Representative Waters: Prohibiting products that combine alcohol and tetrahydrocannabinol. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Orwall; Reeves; Walsh and Waters.

MINORITY recommendation: Do not pass. Signed by Representative Morgan.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1775

Prime Sponsor, Representative Lekanoff: Limiting liability for salmon recovery projects performed by regional fisheries enhancement groups. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt and Springer.

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

Referred to Committee on Rules for second reading

February 15, 2023

HB 1783

Prime Sponsor, Representative Sandlin: Supporting economic development in distressed areas through hiring of grant writers. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

February 15, 2023

HB 1806

Prime Sponsor, Representative Rule: Creating an exclave community small business relief program. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

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 sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1236, by Representatives Hackney, Abbarno, Senn, Reed, Doglio, Ramel and Lekanoff**

**Enhancing access to clean fuel for agencies providing public transportation.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1236 was substituted for House Bill No. 1236 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1236 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 Hackney and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1236.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1236, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1236, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1500, by Representatives Eslick, Chapman, Jacobsen, Ramel, Leavitt, Walen, Peterson, Couture, Paul, Doglio and Macri**

**Increasing the cap on gross sales for cottage food operations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1500 was substituted for House Bill No. 1500 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1500 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 Eslick and Reeves spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1500.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1500, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE HOUSE BILL NO. 1500, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1346, by Representatives Shavers, Berry, Couture, Leavitt, Morgan, Simmons, Timmons, Lekanoff, Paul and Donaghy**

**Creating the purple star award.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1346 was substituted for House Bill No. 1346 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1346 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 Shavers and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1346.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1346, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier,

Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh

SUBSTITUTE HOUSE BILL NO. 1346, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1361, by Representatives Abbarno, Rule, Reeves and Gregerson**

**Updating statutes related to state employment by removing obsolete language, eliminating unnecessary reports, conforming a reporting period to fiscal year, and modernizing employee pay procedures.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1361 was substituted for House Bill No. 1361 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1361 was read the second time.

Representative Stokesbary moved the adoption of amendment (023):

On page 6, beginning on line 30, strike "Four-year institutions of higher education are not subject to the requirements of subsection (3) of this section" and insert "The university of Washington is not subject to the requirements of subsection (3) of this section until July 1, 2025"

Representatives Stokesbary and Bergquist 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 Abbarno spoke in favor of the passage of the bill.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1361.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1361, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt,

Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1361, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., Friday, February 17, 2023, the 40th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

FORTIETH DAY

House Chamber, Olympia, Friday, February 17, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

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**

Wednesday, February 15, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5112  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5152  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5207  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5231  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5284

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**INTRODUCTION & FIRST READING**

HB 1834 by Representatives Walen, Springer, Orcutt, Stokesbary, Wylie and Barnard

AN ACT Relating to reconciliation returns for apportionable income; amending RCW 82.04.462, 82.32.090, 82.32.105, and 82.45.100; reenacting and amending RCW 82.45.150; and creating a new section.

Referred to Committee on Finance.

HB 1835 by Representatives Kretz, Chapman, Maycumber, Tharinger, Harris and Dent

AN ACT Relating to defining frontier counties; and amending RCW 43.160.020, 43.330.010, and 82.02.010.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

HB 1836 by Representative Hackney

AN ACT Relating to the treatment of waste heat under the clean energy transformation act; and amending RCW 19.405.020.

Referred to Committee on Environment & Energy.

HB 1837 by Representatives Pollet, Farivar, Fitzgibbon, Berry, Macri and Slatter

AN ACT Relating to contraception vending machines at institutions of higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5006 by Senate Committee on Law & Justice (originally sponsored by Pedersen, Rivers, Dhingra, Frame, Hasegawa, Hunt, Kuderer, Mullet, Nobles, Stanford and Valdez)

AN ACT Relating to clarifying waiver of firearm rights; amending RCW 9.41.040, 9.41.350, and 9.41.352; reenacting RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

SB 5041 by Senators Lovick, King and Liias

AN ACT Relating to compliance with federal motor carrier safety administration requirements for the drug and alcohol clearinghouse; amending RCW 46.25.052, 46.25.060, 46.25.088, 46.25.100, 46.25.090, 46.25.120, and 46.20.324; reenacting and amending RCW 46.25.010; adding a new section to chapter 46.25 RCW; repealing RCW 46.25.123 and 46.25.125; and providing an effective date.

Referred to Committee on Transportation.

SB 5058 by Senators Padden, Pedersen, Billig, Fortunato, Holy, Short and Wilson, L.

AN ACT Relating to exempting buildings with 12 or fewer units that are no more than two stories from the definition of multiunit residential building; and amending RCW 64.55.010.

Referred to Committee on Housing.

SB 5079 by Senators Braun, Liias, Boehnke, Dozier, Holy, King, Mullet, Muzzall, Saldaña, Schoesler, Wagoner and Wellman

AN ACT Relating to the date by which tuition operating fees are established; and amending RCW 28B.15.067.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5110 by Senate Committee on Labor & Commerce (originally sponsored by Keiser and Kuderer)

AN ACT Relating to adding penalties for certain prohibited practices in chapter 49.44 RCW; adding a new section to chapter 49.44 RCW; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

E2SSB 5112 by Senate Committee on Transportation (originally sponsored by Hunt, Hasegawa, Kuderer, Valdez, Wilson, C. and Wilson, J.)

AN ACT Relating to updating processes related to voter registration; amending RCW 29A.08.010, 29A.08.030, 29A.08.110, 29A.08.125, 29A.08.210, 29A.08.220, 29A.08.260, 29A.08.270, 29A.08.330, 29A.08.340, 29A.08.350, 29A.08.355, 29A.08.357, 29A.08.359, 29A.08.362, 29A.08.365, 29A.08.370, 46.20.153, 46.20.155, 46.20.156, 46.20.205, 29A.08.625, 29A.08.630, 29A.08.635, 29A.08.710, 29A.08.810, 29A.08.820, 29A.08.835,

29A.08.840, 29A.04.611, 29A.84.110, 29A.04.058, and 29A.08.115; reenacting and amending RCW 29A.08.320; adding a new section to chapter 29A.08 RCW; repealing RCW 29A.08.375; and providing an effective date.

Referred to Committee on State Government & Tribal Relations.

SB 5122 by Senators Cleveland, Muzzall, Van De Wege and Wellman

AN ACT Relating to extending the expiration date of the ambulance transport fund; amending RCW 74.70.901; and providing an expiration date.

Referred to Committee on Appropriations.

ESSB 5152 by Senate Committee on State Government & Elections (originally sponsored by Valdez, Hunt, Kuderer, Liias, Nguyen and Wilson, C.)

AN ACT Relating to defining synthetic media in campaigns for elective office, and providing relief for candidates and campaigns; and adding a new chapter to Title 42 RCW.

Referred to Committee on State Government & Tribal Relations.

SB 5192 by Senators Shewmake, Hunt, Nguyen and Wellman

AN ACT Relating to authorizing administrative law judges to substitute for pollution control hearings board members in deciding derelict vessel appeals; and amending RCW 79.100.120.

Referred to Committee on Agriculture and Natural Resources.

ESSB 5207 by Senate Committee on State Government & Elections (originally sponsored by Billig, Valdez, Hunt, Kuderer and Nguyen)

AN ACT Relating to campaign contributions by controlled entities; amending RCW 42.17A.455; and adding a new section to chapter 42.17A RCW.

Referred to Committee on State Government & Tribal Relations.

ESSB 5231 by Senate Committee on Law & Justice (originally sponsored by Salomon, Dhingra, Hasegawa, Hunt, Nobles, Pedersen, Valdez and Wilson, C.)

AN ACT Relating to the issuance of emergency domestic violence no-contact orders; and amending RCW 10.99.040.

Referred to Committee on Civil Rights & Judiciary.

ESSB 5284 by Senate Committee on State Government & Elections (originally sponsored by Nguyen, Billig, Frame, Hunt, Keiser, Kuderer, Shewmake and Wilson, C.)

AN ACT Relating to improving transparency in campaign finance disclosure; amending RCW 42.17A.005, 42.17A.205, 42.17A.207, 42.17A.235, 42.17A.240, 42.17A.250, 42.17A.255, 42.17A.260, 42.17A.265, 42.17A.305, and 42.17A.345; adding a new section to chapter 42.17A RCW; and repealing RCW 42.17A.418.

Referred to Committee on State Government & Tribal Relations.

SB 5295 by Senators Wilson, L., Rolfes and Gildon

AN ACT Relating to eliminating accounts; amending RCW 43.84.092 and 43.84.092; decodifying RCW 43.99N.040; repealing RCW 13.40.466, 43.72.902, 43.83.300, 43.83.310,

43.83.320, 43.83.370, and 70A.135.100; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5317 by Senate Committee on Transportation (originally sponsored by Nobles, Wilson, J., Frame, Liias, Lovick, Saldaña, Salomon, Shewmake, Wellman and Wilson, C.)

AN ACT Relating to the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety; amending RCW 46.55.010; and reenacting RCW 46.55.080.

Referred to Committee on Transportation.

SB 5323 by Senators MacEwen, Conway, Lovick, Mullet and Randall

AN ACT Relating to the department of veterans affairs regarding exempt staff and exempt staff appointments, removing reference to one-time use of funds, and exempting veteran discharge papers from public disclosure; amending RCW 41.06.077, 43.60A.140, 72.36.020, and 42.56.440; adding a new section to chapter 43.60A RCW; and repealing RCW 72.36.040, 72.36.050, 72.36.055, and 72.36.077.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

SB 5331 by Senators Conway, Saldaña, Keiser, Lovelett and Wilson, C.

AN ACT Relating to job search requirements for unemployment insurance benefits; amending RCW 50.20.240; and creating new sections.

Referred to Committee on Labor & Workplace Standards.

SB 5342 by Senators Kauffman, King, Liias, Kuderer, Nobles and Wilson, C.

AN ACT Relating to transit agencies' ability to enter into interlocal agreements for procurement; and amending RCW 39.34.030.

Referred to Committee on Transportation.

SSB 5381 by Senate Committee on State Government & Elections (originally sponsored by Braun, Pedersen, Boehnke, Conway, Dhingra, Hunt, Keiser, King, Kuderer, Nguyen, Randall, Saldaña, Warnick, Wilson, C. and Wilson, J.)

AN ACT Relating to letters of recommendation or congratulations sent by legislators; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government & Tribal Relations.

SB 5421 by Senators Conway and Van De Wege

AN ACT Relating to exempting benefit enrollment information collected and maintained by the health care authority from public inspection and copying under the public records act; and amending RCW 42.56.250.

Referred to Committee on State Government & Tribal Relations.

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**

February 16, 2023

HB 1185 Prime Sponsor, Representative Hackney: Reducing environmental impacts associated with lighting products. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Berry; Duerr; Lekanoff; Ramel; Slatter and Street.

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

MINORITY recommendation: Without recommendation. Signed by Representatives Barnard; and Fey.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1229 Prime Sponsor, Representative Simmons: Updating processes related to voter registration. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Transportation

February 15, 2023

HB 1274 Prime Sponsor, Representative Couture: Creating a child malnutrition field guide for the department of children, youth, and families. Reported by Committee on Human Services, Youth, & Early Learning

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

Referred to Committee on Rules for second reading

February 15, 2023

HB 1320 Prime Sponsor, Representative Reed: Concerning access to personnel records. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Appropriations

February 15, 2023

HB 1323 Prime Sponsor, Representative Bronoske: Requiring a training and certification program for individuals who apply fire-resistant materials. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1357 Prime Sponsor, Representative Simmons: Modernizing the prior authorization process. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Barnard; Graham; Harris; Maycumber; and Mosbrucker.

Referred to Committee on Appropriations

February 16, 2023

HB 1365 Prime Sponsor, Representative Dye: Improving Puget Sound water quality. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Goehner; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Mena, Vice Chair; and Fey.

Referred to Committee on Capital Budget

February 15, 2023

HB 1378 Prime Sponsor, Representative Reeves: Concerning the removal of derelict aquatic structures and restoration of aquatic lands. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Capital Budget

February 15, 2023

- HB 1430 Prime Sponsor, Representative Eslick: Improving communication between the department of children, youth, and families and caregivers. Reported by Committee on Human Services, Youth, & Early Learning
- Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.
- Referred to Committee on Appropriations
- February 15, 2023
- HB 1470 Prime Sponsor, Representative Ortiz-Self: Concerning private detention facilities. Reported by Committee on Community Safety, Justice, & Reentry
- MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.
- Referred to Committee on Appropriations
- February 14, 2023
- MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.
- MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Graham.
- Referred to Committee on Appropriations
- February 15, 2023
- HB 1491 Prime Sponsor, Representative Orcutt: Prohibiting unjustified employer searches of employee personal vehicles. Reported by Committee on Labor & Workplace Standards
- MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.
- Referred to Committee on Appropriations
- February 14, 2023
- HB 1493 Prime Sponsor, Representative Goodman: Concerning impaired driving. Reported by Committee on Community Safety, Justice, & Reentry
- MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.
- Referred to Committee on Rules for second reading
- February 15, 2023
- HB 1516 Prime Sponsor, Representative Thai: Making lunar new year a state legal holiday. Reported by Committee on State Government & Tribal Relations
- MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by
- HB 1548 Prime Sponsor, Representative Ormsby: Safeguarding the public safety by protecting railroad workers. Reported by Committee on Labor & Workplace Standards
- MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.
- MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.
- Referred to Committee on Rules for second reading
- February 14, 2023
- HB 1559 Prime Sponsor, Representative Entenman: Establishing the student basic needs at public postsecondary institutions act. Reported by Committee on Postsecondary Education & Workforce
- MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Hansen; Leavitt; Paul; Pollet and Timmons.
- MINORITY recommendation: Do not pass. Signed by Representatives Ybarra, Ranking Minority Member; Chandler; Jacobsen; Klicker; and McEntire.
- MINORITY recommendation: Without recommendation. Signed by Representatives Waters, Assistant Ranking Minority Member; and Schmidt.
- Referred to Committee on Appropriations
- February 15, 2023
- HB 1590 Prime Sponsor, Representative Dent: Concerning the membership and subcommittees of the oversight board for children, youth, and families. Reported by Committee on Human Services, Youth, & Early Learning
- MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.
- Referred to Committee on Rules for second reading
- February 15, 2023
- HB 1593 Prime Sponsor, Representative Macri: Concerning industrial insurance coverage for posttraumatic stress disorders affecting registered nurses. Reported by Committee on Labor & Workplace Standards



MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Appropriations

February 16, 2023

HB 1614 Prime Sponsor, Representative Kloba: Concerning the home cultivation of cannabis. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Morgan; Orwall; Reeves and Waters.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; and Walsh.

Referred to Committee on Appropriations

February 15, 2023

HB 1648 Prime Sponsor, Representative Reeves: Concerning ticket sales. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Chapman; Donaghy; Hackney; Ryu and Santos.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Cheney; Connors; Sandlin; and Volz.

Referred to Committee on Appropriations

February 15, 2023

HB 1692 Prime Sponsor, Representative Bergquist: Creating student advisory groups. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

MINORITY recommendation: Without recommendation. Signed by Representative Abbarno, Ranking Minority Member.

Referred to Committee on Rules for second reading

February 14, 2023

HB 1696 Prime Sponsor, Representative Davis: Concerning stalking-related offenses. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1700 Prime Sponsor, Representative Kretz: Establishing a memorial on the capitol campus to commemorate eastern Washington. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1701 Prime Sponsor, Representative Callan: Concerning basic education services to youth who are served through institutional education programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1725 Prime Sponsor, Representative Maycumber: Increasing access to insulin for individuals under the age of 21. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Appropriations

February 15, 2023

HB 1743 Prime Sponsor, Representative Doglio: Concerning employee ownership. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

February 15, 2023

HB 1750 Prime Sponsor, Representative Berg: Promoting water safety education. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1763 Prime Sponsor, Representative Eslick: Ensuring completion of conditional scholarship obligations and reducing penalties for excusable incomplete obligations. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1779 Prime Sponsor, Representative Mosbrucker: Reducing toxic air pollution that threatens human health. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Goehner; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representative Fey.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1797 Prime Sponsor, Representative Cheney: Concerning residential real estate appraisers being allowed to complete real property evaluations. Reported by Committee on Consumer Protection & Business

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

Referred to Committee on Rules for second reading

February 15, 2023

HB 1811 Prime Sponsor, Representative Hackney: Concerning reasonable exceptions to

insurance rates for consumers whose credit information is influenced by extraordinary life circumstances. Reported by Committee on Consumer Protection & Business

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

Referred to Committee on Rules for second reading

February 15, 2023

HCR 4402 Prime Sponsor, Representative Doglio: Renaming the Natural Resources Building as the Jennifer Belcher Building. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

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

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

#### MOTION

There being no objection, HOUSE BILL NO. 1037 was moved from the House Suspension Calendar to the House Second Reading Calendar.

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

#### FIRST SUPPLEMENTAL REPORT OF STANDING COMMITTEES

February 16, 2023

HB 1052 Prime Sponsor, Representative Ramel: Providing a property tax exemption for qualified real and personal property owned or used by a nonprofit entity in providing qualified housing funded in whole or part through a local real estate excise tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1363 Prime Sponsor, Representative Rule: Concerning vehicular pursuits. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair;

Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Fosse; Graham and Ramos.

MINORITY recommendation: Do not pass. Signed by Representative Farivar.

Referred to Committee on Transportation

February 16, 2023

HB 1381 Prime Sponsor, Representative Dye: Concerning salmon-safe communities. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Appropriations

February 16, 2023

HB 1387 Prime Sponsor, Representative Ramos: Requiring the criminal justice training commission to establish a program to recruit and train a pool of applicants who may be employed by certain law enforcement agencies in the state. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1439 Prime Sponsor, Representative Goodman: Addressing child exposure to violence. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; and Walsh.

Referred to Committee on Appropriations

February 14, 2023

HB 1550 Prime Sponsor, Representative Santos: Assisting eligible children in need of additional preparation to be successful in kindergarten by establishing the transition to kindergarten program. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Eslick;

McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives McEntire, Assistant Ranking Minority Member; and Harris.

Referred to Committee on Appropriations

February 16, 2023

HB 1555 Prime Sponsor, Representative Lekanoff: Concerning extradition of persons to and from Indian jurisdiction. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1564 Prime Sponsor, Representative Mosbrucker: Prohibiting the sale of over-the-counter sexual assault kits. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1568 Prime Sponsor, Representative Chambers: Concerning the credentialing of certified health care professionals providing long-term care services. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1584 Prime Sponsor, Representative Barnard: Planning for advanced nuclear reactor technology in Washington. Reported by Committee on Environment & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1591 Prime Sponsor, Representative Orwall:  
Concerning open adoption agreements.  
Reported by Committee on Human Services,  
Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Callan; Goodman; Ortiz-Self and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Couture, Assistant Ranking Minority Member; Dent; and Rule.

Referred to Committee on Appropriations

February 16, 2023

HB 1650 Prime Sponsor, Representative Wylie:  
Requiring voter approval for local  
government prohibitions on cannabis  
businesses. Reported by Committee on  
Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Morgan; Orwall and Reeves.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Walsh; and Waters.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1668 Prime Sponsor, Representative Donaghy:  
Concerning restitution for surviving minor  
children of deceased victims of vehicular  
homicide. Reported by Committee on  
Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1679 Prime Sponsor, Representative Rule:  
Modifying and extending requirements of a  
work group convened to address the needs of  
students in foster care, experiencing  
homelessness, or both. Reported by  
Committee on Human Services, Youth, &  
Early Learning

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

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

Referred to Committee on Rules for second reading

February 15, 2023

HB 1685 Prime Sponsor, Representative Rule:  
Concerning resource and assessment centers.  
Reported by Committee on Human Services,  
Youth, & Early Learning

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Without recommendation. Signed by Representatives Couture, Assistant Ranking Minority Member; and Walsh.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1715 Prime Sponsor, Representative Davis:  
Enacting comprehensive protections for  
victims of domestic violence and other  
violence involving family members or  
intimate partners. Reported by Committee on  
Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representative Graham.

Referred to Committee on Appropriations

February 15, 2023

HB 1724 Prime Sponsor, Representative Bateman:  
Increasing the trained behavioral health  
workforce. Reported by Committee on  
Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Appropriations

February 17, 2023

HB 1726 Prime Sponsor, Representative Bronoske:  
Concerning the director of fire protection's  
administration and reimbursement of fire  
service-related training programs. Reported  
by Committee on State Government & Tribal  
Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1744 Prime Sponsor, Representative Rude: Clarifying the responsibilities and accountability for the effective delivery and oversight of public education services to charter school students. Reported by Committee on Education

activities sweepstakes. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Orwall; Reeves; Walsh and Waters.

Referred to Committee on Rules for second reading

Referred to Committee on Rules for second reading

**SECOND SUPPLEMENTAL REPORT OF STANDING COMMITTEES**

February 16, 2023

HB 1762 Prime Sponsor, Representative Doglio: Protecting warehouse employees. Reported by Committee on Labor & Workplace Standards

HB 1005 Prime Sponsor, Representative Abbarno: Concerning employer tax incentives for the support of veterans and military families. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

February 16, 2023

Referred to Committee on Appropriations

HB 1012 Prime Sponsor, Representative Leavitt: Addressing the response to extreme weather events. Reported by Committee on Appropriations

February 16, 2023

HB 1765 Prime Sponsor, Representative Steele: Concerning special occasion liquor licenses. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Orwall; Reeves; Walsh and Waters.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Couture; Dye; Rude; Schmick; and Steele.

Referred to Committee on Appropriations

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Connors; Harris; and Sandlin.

February 16, 2023

HB 1822 Prime Sponsor, Representative Morgan: Concerning complimentary products provided by short-term rental operators to guests. Reported by Committee on Regulated Substances & Gaming

Referred to Committee on Rules for second reading

February 16, 2023

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Morgan; Orwall; Reeves; Walsh and Waters.

HB 1022 Prime Sponsor, Representative Chapman: Providing additional support and services for veterans' assistance and for persons with developmental disabilities or mental health needs. Reported by Committee on Finance

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; and Cheney.

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Chopp; Ramel; Santos; Springer; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; and Stokesbary.

February 16, 2023

HB 1824 Prime Sponsor, Representative Eslick: Authorizing bona fide charitable or nonprofit organizations to conduct shooting sports and

Referred to Committee on Rules for second reading

February 17, 2023

HB 1153

Prime Sponsor, Representative Peterson: Prohibiting octopus farming. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt and Springer.

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

Referred to Committee on Rules for second reading

February 16, 2023

HB 1231

Prime Sponsor, Representative Berg: Accelerating rural job growth and promoting economic recovery across Washington through site readiness grants. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1242

Prime Sponsor, Representative Dent: Creating a behavioral health work group to study the root causes of rising behavioral health issues in Washington communities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Barnard; Bronoske; Davis; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

February 16, 2023

HB 1250

Prime Sponsor, Representative Steele: Modifying the low-income home rehabilitation program. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan;

Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1282

Prime Sponsor, Representative Duerr: Requiring environmental and labor reporting for public building construction and renovation material. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Alvarado; Bateman; Farivar; Fosse; Kloba; Leavitt; Morgan; Orwall; Peterson; Reed; Rule; Shavers and Stearns.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Cheney; Christian; Couture; Dye; Eslick; McClintock; McEntire; Mosbrucker; and Waters.

MINORITY recommendation: Without recommendation. Signed by Representative Maycumber.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1285

Prime Sponsor, Representative Goehner: Modifying the scope of locations to which a water right established as a family farm permit may be transferred. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative Morgan, Vice Chair.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1288

Prime Sponsor, Representative Reeves: Concerning the department of veterans affairs. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1338 Prime Sponsor, Representative Reeves:  
Concerning education and vocational  
programs in state correctional institutions.  
Reported by Committee on Postsecondary  
Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Pollet; Schmidt and Timmons.

Referred to Committee on Appropriations

February 17, 2023

HB 1417 Prime Sponsor, Representative Volz:  
Concerning the multistate nurse licensure  
compact. Reported by Committee on  
Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Jacobsen; Klicker; Leavitt; McEntire; Schmidt and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Hansen; and Pollet.

MINORITY recommendation: Without recommendation. Signed by Representative Reed, Vice Chair.

Referred to Committee on Appropriations

February 16, 2023

HB 1431 Prime Sponsor, Representative Timmons:  
Clarifying that meals furnished to tenants of  
senior living communities as part of their  
rental agreement are not subject to sales and  
use tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1460 Prime Sponsor, Representative Hackney:  
Concerning the department of natural  
resources land transactions, revenue  
distributions, and creation and management  
of a trust land transfer program. Reported by  
Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Dye; Farivar; Fosse; Kloba; Leavitt; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno, Assistant Ranking Minority Member; Couture; Eslick; and Maycumber.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1466 Prime Sponsor, Representative Riccelli:  
Concerning currently credentialed dental  
auxiliaries. Reported by Committee on  
Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1479 Prime Sponsor, Representative Callan:  
Concerning restraint or isolation of students  
in public schools and educational programs.  
Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Ortiz-Self; Pollet; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Eslick; Harris; McClintock; Sandlin; and Steele.

Referred to Committee on Appropriations

February 17, 2023

HB 1492 Prime Sponsor, Representative Simmons:  
Providing relief for persons affected by State  
v. Blake. Reported by Committee on Civil  
Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; and Rude.

Referred to Committee on Appropriations

February 17, 2023

HB 1494 Prime Sponsor, Representative Dent:  
Concerning collection of assessments for  
irrigation and rehabilitation districts.  
Reported by Committee on Local  
Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg and Riccelli.

Referred to Committee on Finance

February 17, 2023

HB 1562 Prime Sponsor, Representative Thai: Reducing the risks of lethality and other harm associated with gun violence, gender-based violence, and other types of violence. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; and Rude.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1577 Prime Sponsor, Representative Schmick: Concerning municipal officers' beneficial interest in contracts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg and Riccelli.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1586 Prime Sponsor, Representative Goodman: Requiring the criminal justice training commission to establish a work group and grant program related to vehicular pursuits. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representatives Griffey, Assistant Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

February 17, 2023

HB 1588 Prime Sponsor, Representative Bronoske: Addressing ambulance personnel requirements. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Macri; Maycumber; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; and Mosbrucker.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1638 Prime Sponsor, Representative Fey: Creating a state trooper expedited recruitment incentive program. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1645 Prime Sponsor, Representative Barnard: Concerning meetings of county legislative authorities. Reported by Committee on Local Government

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

Referred to Committee on Rules for second reading

February 16, 2023

HB 1660 Prime Sponsor, Representative Christian: Setting a minimum bid for abandoned recreational vehicles sold at auction. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1663 Prime Sponsor, Representative Goehner: Allowing functionally consolidated port districts to adopt a unified levy. Reported by Committee on Local Government

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

Referred to Committee on Finance

February 17, 2023

HB 1677 Prime Sponsor, Representative Walsh: Concerning campaign finance disclosure. Reported by Committee on State Government & Tribal Relations



MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Appropriations

February 17, 2023

HB 1678 Prime Sponsor, Representative Riccelli: Establishing and authorizing the profession of dental therapy. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

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

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; Maycumber; and Mosbrucker.

Referred to Committee on Appropriations

February 17, 2023

HB 1698 Prime Sponsor, Representative Kretz: Providing flexibility for the department of fish and wildlife to collaborate with local governments to manage gray wolves. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

February 17, 2023

HB 1705 Prime Sponsor, Representative Griffey: Concerning stormwater control facilities and county jurisdiction. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg and Riccelli.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1706 Prime Sponsor, Representative Entenman: Concerning the operation, authorization, and permitting of microenterprise home kitchens. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg and Riccelli.

Referred to Committee on Appropriations

February 17, 2023

HB 1712 Prime Sponsor, Representative Schmick: Protecting workers displaced due to finfish aquaculture facility closure. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio and Ormsby.

Referred to Committee on Rules for second reading

February 16, 2023

HB 1714 Prime Sponsor, Representative Stonier: Allowing school districts to apply for financial literacy education professional development grants. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1720 Prime Sponsor, Representative Chapman: Concerning the protection and restoration of riparian areas through the establishment of a fully voluntary, regionally focused riparian grant program designed to improve the ecological functions of critical riparian management zones. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Capital Budget

February 16, 2023

HB 1737 Prime Sponsor, Representative Morgan: Enacting the reconciliation act. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Berg; Chopp; Couture; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member;

Corry, Assistant Ranking Minority Member; Connors; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1740 Prime Sponsor, Representative Orcutt: Concerning eligibility, enrollment, and compensation of small forestland owners volunteering for participation in the forestry riparian easement program. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Capital Budget

February 17, 2023

HB 1745 Prime Sponsor, Representative Thai: Improving diversity in clinical trials. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

February 17, 2023

HB 1753 Prime Sponsor, Representative Bronoske: Changing certain notice provisions in the derelict vessel removal program. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1766 Prime Sponsor, Representative Griffey: Creation of a hope card program. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Appropriations

February 17, 2023

HB 1767 Prime Sponsor, Representative Barnard: Concerning the role of the department of commerce in monitoring and providing

technical assistance related to federal funding opportunities. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Cortes; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

February 17, 2023

HB 1776 Prime Sponsor, Representative Senn: Requiring coverage for applied behavior analysis. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1778 Prime Sponsor, Representative Volz: Concerning economic resilience planning. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Cortes; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

February 16, 2023

HB 1784 Prime Sponsor, Representative Gregerson: Concerning hunger relief. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1789 Prime Sponsor, Representative Reeves: Expanding revenue generation and economic opportunities from natural climate solutions and ecosystem services. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kretz; Lekanoff and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler, Assistant Ranking Minority Member; Kloba; Orcutt; and Schmick.

Referred to Committee on Capital Budget

February 17, 2023

HB 1792 Prime Sponsor, Representative Timmons: Modifying timelines and other initial procedural actions in a water rights adjudication. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

February 17, 2023

HB 1821 Prime Sponsor, Representative Slatter: Creating a postsecondary credential transparency work group. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Leavitt; Pollet; Schmidt and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker; and McEntire.

Referred to Committee on Appropriations

February 17, 2023

HB 1823 Prime Sponsor, Representative Timmons: Modifying the Washington student loan program. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Leavitt; Pollet; Schmidt and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; and McEntire.

MINORITY recommendation: Without recommendation. Signed by Representative Klicker.

Referred to Committee on Appropriations

February 16, 2023

HJM 4001 Prime Sponsor, Representative Orcutt: Requesting the transportation commission to

designate a section of Interstate 5 the Cowlitz County Deputy Sheriff Justin DeRosier memorial highway. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

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

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

**MOTION**

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1375, and the bill was referred to the Committee on Appropriations.

There being no objection, the House adjourned until 10:30 a.m., Monday, February 20, 2023, the 43rd Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FORTY THIRD DAY

House Chamber, Olympia, Monday, February 20, 2023

The House was called to order at 10:30 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Clarkston High School Junior ROTC. The Speaker led the Chamber in the Pledge of Allegiance. The National Anthem was performed by Savanna Woods of Stanwood. The prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia.

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 fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1838 by Representatives Fey, Barkis, Berg and Ortiz-Self

AN ACT Relating to transferring the responsibilities for the transportation revenue forecast for the transportation budget to the economic and revenue forecast council; amending RCW 82.33.010 and 82.33.040; reenacting and amending RCW 82.33.020; and repealing RCW 43.88.125.

Referred to Committee on Transportation.

HB 1839 by Representatives Santos, Chandler, Peterson, Low, Stonier, Pollet, Walsh, Paul and Wylie

AN ACT Relating to the length of trains on railroads; adding a new chapter to Title 81 RCW; and prescribing penalties.

Referred to Committee on Transportation.

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

**MOTIONS**

On motion of Representative Ramel, Representatives Goodman, Hansen, Ortiz-Self and Walen were excused.

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

**SPEAKER'S PRIVILEGE**

The Speaker welcomed all of the families and children who came to the chamber to celebrate Children's Day and asked the Chamber to acknowledge them.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4616**, by Representatives Jinkins, Wilcox, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul,

Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, and Ybarra

WHEREAS, We welcome to the House of Representatives the children here today, including middle and high school students serving as pages, and we hope their experience here inspires them to stay informed and involved in their democracy; and

WHEREAS, In the State of Washington, children are cherished, as they are the future of our great state; and

WHEREAS, All the children in the state should have access to quality education, recreation, and a safe community; and

WHEREAS, The children of the State of Washington can serve as an example for us, as they are exposed from birth to various languages, people, and places, embracing those new experiences with a smile and open arms; and

WHEREAS, Adults can learn from children to be full of aspirational dreams and hopeful thinking as we legislate; and

WHEREAS, It is our solemn obligation to instill in children the values, convictions, goodwill, and fortitude they need to continue the legacy of freedom, peace, and prosperity we have inherited from those who came before us;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives encourage all citizens of Washington to celebrate Children's Day and to inspire youth to chart their own hopes and dreams while they create the future of Washington state.

Representative Alvarado moved adoption of HOUSE RESOLUTION NO. 4616.

Representatives Alvarado and Hutchins spoke in favor of the adoption of the resolution.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 92 - YEAS; 0 - NAYS.

HOUSE RESOLUTION NO. 4616 was adopted.

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

**SECOND READING**

**HOUSE BILL NO. 1020**, by Representatives Morgan, Callan, Ryu, Simmons, Reed, Gregerson, Thai and Ormsby

**Designating the *Suciasaurus rex* as the official dinosaur of the state of Washington.**

The bill was read the second time.

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

Representatives Morgan, Abbarno and Orcutt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1020.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1020, and the bill passed the House by the following vote: Yeas, 88; Nays, 5; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walsh, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Chambers, Dent, Graham, Volz and Ybarra

Excused: Representatives Chandler, Goodman, Hansen, Ortiz-Self and Walen

HOUSE BILL NO. 1020, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Orwall to preside.

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Orwall presiding) welcomed back Savanna Wood, singer and songwriter who performed on season 20 of The Voice, to sing "Rise Up."

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4605**, by Representatives Jinkins, Wilcox, Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, and Ybarra

WHEREAS, This day, February 20, 2023, the third Monday of February, we join states across the Union in celebrating Presidents' Day; and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That on this 20th day of February 2023, the House of Representatives honor the first and sixteenth presidents for leaving a legacy of renowned leadership in turbulent times and their immeasurable contributions to the furtherment of liberty, equality, and justice in this country.

Representative Reeves moved adoption of HOUSE RESOLUTION NO. 4605.

Representatives Reeves and Schmidt spoke in favor of the adoption of the resolution.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 93 - YEAS; 0 - NAYS.

HOUSE RESOLUTION NO. 4605 was adopted.

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Orwall presiding) asked the chamber to join her in sending thoughts and prayers to former President Jimmy Carter.

The Speaker (Representative Orwall presiding) also thanked the Clarkston High School Junior ROTC, Savanna Woods and Rabbi Goldstein for their participation, and again thanked the members' families who were in attendance for joining in the ceremonies.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, February 21, 2023, the 44th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

JOURNAL OF THE HOUSE  
SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

FORTY FOURTH DAY

House Chamber, Olympia, Tuesday, February 21, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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.

**MESSAGES FROM THE SENATE**

Monday, February 20, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5257

and the same is herewith transmitted.

Sarah Bannister, Secretary

Monday, February 20, 2023

Mme. Speaker:

The Senate has passed:

SENATE BILL NO. 5595

and the same is herewith transmitted.

Sarah Bannister, Secretary

Monday, February 20, 2023

Mme. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8404

and the same is herewith transmitted.

Sarah Bannister, Secretary

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

**INTRODUCTION & FIRST READING**

HB 1840 by Representatives Cheney, Walen, Graham, Rude, Walsh, Robertson, Hutchins, Schmidt, Chapman, Barnard, Eslick and McClintock

AN ACT Relating to addressing catalytic converter theft; amending RCW 19.290.020, 19.290.030, 9A.56.410, 9.94A.515, 36.28A.240, and 43.43.885; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; making an appropriation; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

HB 1841 by Representatives Ramos, Entenman, Chapman and Simmons

AN ACT Relating to addressing the Washington state ferries' workforce shortages; adding a new section to chapter 47.60 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

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 eighth order of business.

**MOTION**

There being no objection, the Committee on Transportation was relieved of HOUSE BILL NO. 1024, and the bill was referred to the Committee on Rules.

There being no objection, the House adjourned until 9:55 a.m., Wednesday, February 22, 2023, the 45th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

FORTY FIFTH DAY

House Chamber, Olympia, Wednesday, February 22, 2023

February 20, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1842 by Representatives Fey, Simmons and Leavitt

AN ACT Relating to salary comparisons for ferry system collective bargaining units; and amending RCW 47.64.006, 47.64.170, and 47.64.320.

Referred to Committee on Labor & Workplace Standards.

ESSB 5257 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Nobles, Wilson, C., Billig, Cleveland, Dozier, Frame, Hasegawa, Hunt, Liias, Lovelett, Lovick, Nguyen, Saldaña, Valdez and Wellman)

AN ACT Relating to ensuring elementary school students receive sufficient daily recess for mental and physical health; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Education.

SB 5595 by Senators Wilson, J., Rolfes, Holy, Wilson, L., Lovick, Nguyen, Randall, Wilson, C., Valdez, Kuderer, Torres, Pedersen, Dhingra, Lovelett, Padden, Keiser, Muzzall, Short, Robinson, Schoesler, Dozier, Wagoner, Billig, Van De Wege, Warnick, Fortunato, Rivers, Braun, King, Gildon, Boehnke, McCune, Shewmake, Saldaña, Cleveland, Trudeau, Frame, Conway, Hasegawa and Hunt

AN ACT Relating to the state nickname; adding a new section to chapter 1.20 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Relations.

SCR 8404 by Senators Pedersen, Short and Liias

Convening a joint session for the purpose of receiving the address of H.E. Sauli Niinistö, President of the Republic of Finland.

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, with the exception of SENATE CONCURRENT RESOLUTION NO. 8404, which was read the first time, and under suspension of the rules, was placed on the third reading calendar.

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

**REPORTS OF STANDING COMMITTEES**

HB 1044

Prime Sponsor, Representative McEntire: Providing capital financial assistance to small school districts with demonstrated funding challenges. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1050

Prime Sponsor, Representative Riccelli: Expanding apprenticeship utilization requirements. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Dye; Farivar; Fosse; Kloba; Leavitt; Morgan; Orwall; Peterson; Reed; Rule; Shavers and Stearns.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; Christian; Couture; Eslick; Maycumber; McClintock; McEntire; Mosbrucker; and Waters.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1322

Prime Sponsor, Representative Rude: Concerning the Walla Walla water 2050 plan. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Eslick; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1682 Prime Sponsor, Representative Maycumber:  
Concerning the Washington auto theft  
prevention authority account. Reported by  
Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Harris.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1732 Prime Sponsor, Representative Bergquist:  
Changing the inflation adjustment index for  
state salary allocations to schools. Reported  
by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; and Dye.

Referred to Committee on Rules for second reading

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 adjourned until 9:55 a.m., Thursday, February 23, 2023, the 46th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk



SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

FORTY SIXTH DAY

House Chamber, Olympia, Thursday, February 23, 2023

The House was called to order at 9:55 a.m. by the Speaker  
(Representative Bronoske presiding).

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

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4617**, by Representatives Fitzgibbon and Kretz

NOW, THEREFORE, BE IT RESOLVED, That ~~((temporary))~~permanent House Rules for the Sixty-Eighth Legislature be adopted as follows:

~~((TEMPORARY))~~PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES  
SIXTY-EIGHTH LEGISLATURE 2023-2024

**HOUSE RULE NO.**

- Rule 1** Definitions
- Rule 2** Chief Clerk to Call to Order
- Rule 3** Election of Officers
- Rule 4** Powers and Duties of the Speaker
- Rule 5** Chief Clerk
- Rule 6** Executive Rules Committee
- Rule 7** Duties of Employees
- Rule 8** Admission to the House
- Rule 9** Absentees and Courtesy
- Rule 10** Bills, Memorials and Resolutions - Introductions
- Rule 11** Reading of Bills
- Rule 12** Amendments
- Rule 13** Final Passage
- Rule 14** Hour of Meeting, Roll Call and Quorum
- Rule 15** Daily Calendar and Order of Business
- Rule 16** Motions
- Rule 17** Remote Participation and Voting Permitted Upon Authorization
- Rule 18** Members' Right to Debate
- Rule 19** Rules of Debate
- Rule 20** Ending of Debate - Previous Question
- Rule 21** Voting
- Rule 22** Reconsideration
- Rule 23** Call of the House
- Rule 24** Appeal from Decision of Chair
- Rule 25** Standing Committees
- Rule 26** Duties of Committees
- Rule 27** Standing Committees - Expenses - Subpoena Power
- Rule 28** Vetoed Bills
- Rule 29** Suspension of Compensation
- Rule 30** Smoking
- Rule 31** Liquor
- Rule 32** Parliamentary Rules

<b>Rule 33</b>	Standing Rules Amendment
<b>Rule 34</b>	Rules to Apply for Assembly
<b>Rule 35</b>	Legislative Publications
<b>Rule 36</b>	Emergency Resolution Authorized

#### **Definitions**

**Rule 1.** (A) "Absent" means an unexcused failure to attend.

(B) "Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

(C) "Committee" means any standing, conference, joint, or select committee as so designated by rule or resolution.

(D) "Fiscal committee" means the appropriations, capital budget, finance, and transportation committees.

(E) "Sergeant at arms" means the director of house security.

(F) "Session" means a constitutional gathering of the house in accordance with Article II, section 12 of the state Constitution.

(G) "Term" means the two-year term during which the members as a body may act.

#### **Chief Clerk to Call to Order**

**Rule 2.** It shall be the duty of the chief clerk of the previous term to call the house to order and to conduct the proceedings until a speaker is chosen.

#### **Election of Officers**

**Rule 3.** The house shall elect the following officers at the commencement of each term: Its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; a deputy speaker pro tempore, who shall serve in absence or in case of the inability of the speaker and speaker pro tempore; and a chief clerk of the house. Such officers shall hold office during all sessions until the convening of the succeeding term: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Article II, section 27)

#### **Powers and Duties of the Speaker**

**Rule 4.** The speaker shall have the following powers and duties:

(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.

(D) The speaker shall sign all bills in open session. (Article II, section 32)

(E) The speaker shall sign all writs, warrants, and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) The speaker, in open session, shall appoint committee chairs as selected by the majority party caucus, and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

(H) The speaker shall serve as chair of the rules committee and the executive rules committee.

(I) The speaker shall have charge of and see that all officers, attaches, and clerks perform their respective duties.

(J) The speaker pro tempore shall exercise the duties, powers, and prerogatives of the speaker in the event of the speaker's death, illness, removal, or inability to act until the speaker's successor shall be elected.

#### **Chief Clerk**

**Rule 5.** The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall perform all administrative duties related to the public records obligations of members of the house.

The chief clerk shall employ, subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal, or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

#### **Executive Rules Committee**

**Rule 6.** The executive rules committee is hereby established to oversee administrative operations of the house. The committee consists of four members of the majority caucus and three members of the minority caucus, to be named by the speaker and minority leader respectively.

### **Duties of Employees**

**Rule 7.** Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

### **Admission to the House**

**Rule 8.** It shall be the general policy of the house to keep the chamber clear as follows:

(A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:

- The governor or designees, or both;
- Members of the senate;
- State elected officials;
- Officers and authorized employees of the legislature;
- Former members of the house who are not advocating any pending or proposed legislation;
- Representatives of the press;
- Other persons with the consent of the speaker.

(B) Only members of the house, pages, sergeants at arms, and clerks are permitted on the floor while the house is in session.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the house or committee. Anyone violating this rule will forfeit their right to be admitted to the house chamber or any of its committee rooms.

### **Absentees and Courtesy**

**Rule 9.** No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

### **Bills, Memorials and Resolutions - Introductions**

**Rule 10.** Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 10:00 a.m. shall be introduced at the next daily session, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Article II, section 36)

Any returning member or member-elect may prefile a bill with the chief clerk commencing the first Monday in December preceding any regular session or twenty (20) days before any special session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term.

No house bill may be introduced that is identical to any other pending house bill.

### **Reading of Bills**

**Rule 11.** Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

A bill may be returned to second reading for the purpose of amendment by a suspension of the rules: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended and a bill returned to second reading for the purpose of amendment by a majority vote.

(A) **FIRST READING.** The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee, unless otherwise ordered by the house.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) **SECOND READING.** Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing or electronically, distributed to the desk of each member or made available to each member electronically, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) **SUBSTITUTE BILLS.** When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed. A motion for the substitution shall not be in order until the second reading of the original bill.

(D) **THIRD READING.** Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) **SUSPENSION CALENDAR.** Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension

calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

(F) HOUSE RESOLUTIONS. House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Children's Day, Day of Remembrance, Martin Luther King Jr. Day, National Guard Day, and President's Day.

(G) CONCURRENT RESOLUTIONS. Reading of concurrent resolutions may be advanced by majority vote.

#### **Amendments**

**Rule 12.** The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 11(E) and as follows:

(A) AMENDMENTS TO BE OFFERED IN PROPER FORM. The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) COMMITTEE AMENDMENTS. When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house before any amendments that may be offered from the floor.

(C) SENATE AMENDMENTS TO HOUSE BILLS. A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

(D) AMENDMENTS TO BE GERMANE. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) SCOPE AND OBJECT NOT TO BE CHANGED. No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Article II, section 38)

(F) NO AMENDMENT BY REFERENCE. No act shall ever be revised or amended without being set forth at full length. (Article II, section 37)

(G) TITLE AMENDMENTS. The subject matter portion of a bill title shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall either be presented with the text amendment or be incorporated by the chief clerk in the engrossing process.

(H) DATE AND TIME FOR AMENDMENT SUBMISSION. To facilitate the orderly consideration of proposed legislation, the speaker, after consultation with the minority leader, may establish a date and time for submission of amendments.

#### **Final Passage**

**Rule 13.** Rules relating to bills on final passage are as follows:

(A) BUDGET BILLS. No final passage vote may be taken on an operating budget, transportation budget, or capital budget bill until twenty-four (24) hours after the bill is placed on the third reading calendar. The twenty-four (24) hour requirement does not apply to conference reports, which are governed by the Joint Rules of the Senate and the House of Representatives, or to bills placed on the third reading calendar by a two-thirds (2/3) vote of the members present.

(B) RECOMMITMENT BEFORE FINAL PASSAGE. A bill may be recommitted at any time before its final passage.

(C) FINAL PASSAGE. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Article II, section 22)

(D) BILLS PASSED - CERTIFICATION. When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

#### **Hour of Meeting, Roll Call and Quorum**

**Rule 14.** (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 23(B). Any member participating remotely in house proceedings as provided in Rule 17 shall be considered present for purposes of a quorum. For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Article II, section 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

#### **Daily Calendar and Order of Business**

**Rule 15.** The rules relating to the daily calendar and order of business are as follows:

(A) DAILY CALENDAR. Business of the house shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer, and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor, and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions, and concurrent resolutions.

- Fifth: Committee reports.
- Sixth: Second reading of bills.
- Seventh: Third reading of bills.
- Eighth: Floor resolutions and motions.
- Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.
- Tenth: Introduction of visitors and other business to be considered.
- Eleventh: Announcements.

(B) UNFINISHED BUSINESS. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

(C) EXCEPTIONS. Exceptions to the order of business are as follows:

- (1) The order of business may be changed by a majority vote of those present.
- (2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.
- (3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

**Motions**

**Rule 16.** Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

- (1) Privileged motions:
  - Adjourn
  - Adjourn to a time certain
  - Recess to a time certain
  - Reconsider
  - Demand for division
  - Question of privilege
  - Orders of the day
  
- (2) Subsidiary motions:
 

First rank:	Question of consideration
Second rank:	To lay on the table
Third rank:	For the previous question
Fourth rank:	To postpone to a day certain
	To commit or recommit
	To postpone indefinitely
Fifth rank:	To amend
  
- (3) Incidental motions:
  - Points of order and appeal
  - Method of consideration
  - Suspension of the rules
  - Reading papers
  - Withdraw a motion
  - Division of a question

(C) THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT. Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 24.

Motions to adopt house resolutions shall be decided without debate, except as provided in Rule 11(F).

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) MOTION TO ADJOURN. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

#### **Remote Participation and Voting Permitted Upon Authorization**

**Rule 17.** The majority leader and minority leader or their designees may authorize members of their respective caucuses to participate remotely in official house proceedings, including committee meetings and floor sessions, upon the request of a member who is experiencing a medical condition or illness that prevents in-person participation. Once authorized, any member participating remotely shall be considered present for purposes of a quorum and voting. Members participating remotely shall use the computer and virtual background provided by the house during all committee meetings and floor proceedings. The majority leader and minority leader or their designees shall determine when the member's authorization to participate remotely ends.

#### **Members' Right to Debate**

**Rule 18.** The methods by which a member may exercise their right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized. Any member participating remotely in house proceedings as provided in Rule 17 who desires to speak may request to be recognized by use of the request to speak button in the remote floor activity system.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the fifth day prior to the day any bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 20 (Previous Question).

#### **Rules of Debate**

**Rule 19.** The rules for debate in the house are as follows:

(A) QUESTION OF PRIVILEGE. Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) WITHDRAWAL OF MOTION, BILL, ETC. After a motion is stated by the speaker or a bill, memorial, resolution, petition, or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) READING OF A PAPER. When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granted permission for the distribution. Any member participating remotely as provided in Rule 17 who wishes to distribute materials subject to the speaker's approval may do so electronically. All materials approved for distribution shall be provided electronically to members participating remotely to the extent practicable. This shall not apply to materials normally distributed by the chief clerk.

(E) ORDER OF QUESTIONS. All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(F) DIVISION OF POINTS OF DEBATE. Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(G) DECORUM OF MEMBERS. While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(H) REMARKS CONFINED. A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(I) EXCEPTION TO WORDS SPOKEN IN DEBATE. If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(J) TRANSGRESSION OF RULES - APPEAL. If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall prevail.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

#### **Ending of Debate - Previous Question**

**Rule 20.** The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative \_\_\_\_\_ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

### Voting

**Rule 21. (A) PUTTING OF QUESTION.** The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) ALL MEMBERS TO VOTE. Except as provided in subsection (G), every member who was in the house or participating remotely in house proceedings as provided in Rule 17 when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

(C) COUNT OF THE HOUSE. Upon a division and count of the house on the question, only members at their desks within the bar of the house or participating remotely in house proceedings as provided in Rule 17 shall be counted.

(D) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(E) PRIVATE INTEREST. No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Article II, section 30)

(F) INTERRUPTION OF ROLL CALL. Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(G) MOTIONS NOT REQUIRING A RECORDED ROLL CALL VOTE. Members in the house and members participating remotely in house proceedings as provided in Rule 17 may vote on any motion not requiring a recorded roll call vote, including when the house divides. Members participating remotely may vote using the remote floor activity system.

(H) INABILITY TO VOTE USING REMOTE VOTING FUNCTION. A member participating remotely in house proceedings as provided in Rule 17 who is unable to vote using the remote voting function on any motion requiring a recorded roll call vote may vote orally. If a member is unable to vote using the remote voting function or orally, the rostrum staff shall contact the member by telephone and the member's vote may be taken by telephone to rostrum staff after the member answers security questions to verify the identity of the member. The rostrum staff will announce the vote of the member, which shall be recorded.

(I) YEAS AND NAYS - RECORDED VOTES. Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Article II, section 21)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

(J) TIE VOTE, QUESTION LOSES. In case of an equal division, the question shall be lost.

(K) DIVISION. If the speaker is in doubt, or if division is called for by any member, the house shall divide.

(L) STATEMENT FOR JOURNAL. A member whose recorded vote does not accurately reflect their intent may submit a written statement for the journal clarifying their intent to vote aye or nay. The statement must be submitted to the chief clerk on the same day the vote is taken. A member who is excused for one or more days of recorded votes may submit a written statement for the journal explaining the reason for their absence. The statement may not exceed 50 words and must be submitted to the chief clerk on the same day the member returns. A member participating remotely in house proceedings as provided in Rule 17 who was unable to vote using the remote voting function, orally, or by telephone may submit a statement for the journal within 48 hours indicating their intent to vote yea or nay.

### Reconsideration

**Rule 22.** Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken: AND PROVIDED FURTHER, That any member participating remotely in house proceedings as provided in Rule 17 who was unable to vote using the remote voting function, orally, or by telephone may require reconsideration of the vote on the final passage of bills the same day the vote is taken.

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

### Call of the House

**Rule 23.** One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) DOORS TO BE CLOSED. When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) SERGEANT AT ARMS TO BRING IN THE ABSENTEES. The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave. A member authorized to participate remotely in house proceedings as provided in Rule 17 who is visible at the time of the roll call through the remote floor activity system shall not be considered absent or absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) HOUSE UNDER CALL. While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house, a motion to excuse absentees, or a motion to dispense with the call of the house. The motion to proceed with business under the call of the house and the motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof. The motion to dispense with the call of the house may be adopted by a majority of the members present.

**Appeal from Decision of Chair**

**Rule 24.** The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

**Standing Committees**

**Rule 25.** The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Agriculture & Natural Resources. . . . .	11
2. Appropriations. . . . .	31
3. Capital Budget. . . . .	29
4. Civil Rights & Judiciary. . . . .	11
5. Community Safety, Justice, & Reentry. . . . .	9
6. Consumer Protection & Business. . . . .	13
7. Education. . . . .	15
8. Environment & Energy. . . . .	15
9. Finance. . . . .	13
10. Health Care & Wellness. . . . .	17
11. Housing. . . . .	13
12. Human Services, Youth, & Early Learning. . . . .	11
13. Innovation, Community & Economic Development, & Veterans. . . . .	15
14. Labor & Workplace Standards. . . . .	9
15. Local Government. . . . .	7
16. Postsecondary Education & Workforce. . . . .	15
17. Regulated Substances & Gaming. . . . .	11
18. Rules. . . . .	24
19. State Government & Tribal Relations. . . . .	7
20. Transportation. . . . .	29

Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs. "Committee chair" includes committee cochair(s).

**Duties of Committees**

**Rule 26.** House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled with at least five (5) days' notice, including the day of notice and day of hearing, and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

(B) COMMITTEE QUORUM. A majority of any committee shall constitute a quorum for the transaction of business.

(C) SESSION MEETINGS. No committee shall sit while the house is in session without special leave of the speaker.

(D) DUTIES OF STANDING COMMITTEES.

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting.

(2) A majority recommendation of a committee must be made by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial, or resolution may be reported out: PROVIDED, That by motion under the eighth order of business, a majority of the members elected to the house may relieve a committee of a bill and place it on the second reading calendar.

Majority recommendations of a committee can only be "do pass," "do pass as amended," or that "the substitute bill be substituted therefor and that the substitute bill do pass."

(3) Members of the committee not concurring in the majority report may make a written minority report containing a recommendation of "do not pass" or "without recommendation," which shall be joined by those members of the committee subscribing thereto, and submitted with the majority report.

(4) Every recommendation and report shall be made by members of the committee during the regularly called meeting of the committee. No signatures are required.

(5) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members joining in the majority and minority recommendations contained in such reports.



(6) Every vote to report a bill out of committee shall be taken by the yeas and nays, with the nays specifying "do not pass" or "without recommendation," and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

(7) A member participating remotely in house proceedings as provided in Rule 17 who is unable to vote on a bill in committee for technical reasons may submit a statement for the bill file indicating their intent to have voted yea, nay-do not pass, or nay-without recommendation. The statement must be submitted to the chief clerk on the same day the vote is taken.

(8) All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage.

(9) No standing committee shall vote by secret written ballot on any issue.

(10) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the House of Representatives shall be open to the public.

(11) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or requires the exercise of rule-making powers and, if so, consider:

(a) The nature of the new rule-making powers; and

(b) To which agencies the new rule-making powers would be delegated and which agencies, if any, may have related rule-making powers.

(12) Insofar as practicable, testimony in public hearings should be balanced between those in support of and in opposition to proposed legislation, with consideration given to providing an opportunity for members of the public to testify within available time.

#### **Standing Committees - Expenses - Subpoena Power**

**Rule 27.** Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

The standing committees of the house may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a standing committee of the house may issue any process, the committee chair shall submit for approval of the executive rules committee a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by the executive rules committee. The process shall be limited to the named individuals.

#### **Vetoed Bills**

**Rule 28.** Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house. Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the term, after which they shall be filed with the secretary of state.

#### **Suspension of Compensation**

**Rule 29.** (1) Any member of the House of Representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members.

#### **Smoking and Vaping**

**Rule 30.** To provide a safe and healthy environment for all members, employees, and the public, smoking and vaping shall not be permitted at any public meeting of the House of Representatives or within house facilities. Smoking includes the lighting of cigarettes, pipes, or cigars. Vaping includes the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, or e-cigars.

#### **Liquor**

**Rule 31.** The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

#### **Parliamentary Rules**

**Rule 32.** The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

#### **Standing Rules Amendment**

**Rule 33.** Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 11.

#### **Rules to Apply for Assembly**

**Rule 34.** The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

#### **Legislative Publications**

**Rule 35.** The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative publications at public expense are for legitimate legislative purposes.

**Emergency Resolution Authorized**

**Rule 36.** If the executive rules committee determines through a majority vote that physically convening all members and staff in a single location presents a danger to the health or safety of members, staff, and the public or is impractical because of an emergency, disaster, or catastrophic incident under RCW 42.14.010, the house shall adopt a resolution establishing the rules and procedures governing any special or regular legislative session. For purposes of adopting the house resolution required by this rule, some or all members may vote using the remote voting function or other process established by the chief clerk. Members are considered in attendance within the bar of the house when using the remote floor activity system or following the established process, including for purposes of establishing quorum. To the extent practicable, a member participating remotely or otherwise under this rule has the same privileges, rights, and responsibilities under the house rules as if the member were physically present.

HOUSE RESOLUTION NO. 4617 was adopted.

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

**MESSAGE FROM THE SENATE**

Wednesday, February 22, 2023

Mme. Speaker:

The Senate has passed:

- SENATE BILL NO. 5019
- SENATE BILL NO. 5023
- SUBSTITUTE SENATE BILL NO. 5077
- SENATE BILL NO. 5088
- SENATE BILL NO. 5113
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5123
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5142
- SUBSTITUTE SENATE BILL NO. 5170
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5272
- SENATE BILL NO. 5292
- SENATE BILL NO. 5296
- SUBSTITUTE SENATE BILL NO. 5306
- SENATE BILL NO. 5347
- SENATE BILL NO. 5392
- ENGROSSED SENATE BILL NO. 5623
- SENATE BILL NO. 5705

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**INTRODUCTION & FIRST READING**

HB 1843 by Representatives Harris, Stonier, Leavitt, Santos, Gregerson, Ryu, Tharinger, Senn and Bergquist

AN ACT Relating to school district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, 39.36.020, and 28A.530.020; and providing a contingent effective date.

Referred to Committee on Education.

HJR 4207 by Representatives Harris, Stonier, Leavitt, Santos, Gregerson, Ryu, Tharinger, Senn, Bergquist and Walen

Amending the Constitution to allow 55 percent of voters voting to authorize school district bonds.

Referred to Committee on Education.

There being no objection, the bill and resolution 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**

February 20, 2023

HB 1109

Prime Sponsor, Representative Senn: Providing funding for school districts for special education. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1122

Prime Sponsor, Representative Doglio: Granting Washington management service employees the right to collectively bargain. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1169

Prime Sponsor, Representative Simmons: Concerning legal financial obligations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1176 Prime Sponsor, Representative Slatter: Developing opportunities for service and workforce programs to support climate-ready communities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Postsecondary Education & Workforce. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; and Harris.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1254 Prime Sponsor, Representative Street: Clarifying ambiguities in statutory provisions administered by the department of revenue relating to periodic adjustments. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1355 Prime Sponsor, Representative Wylie: Updating property tax exemptions for service-connected disabled veterans and senior citizens. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1406 Prime Sponsor, Representative Cortes: Concerning youth seeking housing assistance

and other related services. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services, Youth, & Early Learning be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1407 Prime Sponsor, Representative Taylor: Maintaining eligibility for developmental disability services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1421 Prime Sponsor, Representative Chambers: Adding counties to the voluntary stewardship program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1422 Prime Sponsor, Representative Springer: Clarifying that certain reusable packing materials are exempt from sales and use tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1425 Prime Sponsor, Representative Berg: Facilitating municipal annexations. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1435 Prime Sponsor, Representative Bronoske: Developing a home care safety net assessment. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1453 Prime Sponsor, Representative Wylie: Providing a tax exemption for medical cannabis patients. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1457 Prime Sponsor, Representative Robertson: Concerning a motor carrier's ability to access restroom facilities required by rules authorized under chapter 49.17 RCW. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Transportation be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1561 Prime Sponsor, Representative Jacobsen: Increasing the public utility tax exemption threshold and annually adjusting the

threshold for inflation. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1573 Prime Sponsor, Representative Rule: Extending tax preferences for dairy, fruit and vegetable, and seafood processors. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Walen and Wylie.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1670 Prime Sponsor, Representative Ormsby: Raising the limit factor for property taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Chopp; Ramel; Santos; Springer; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; and Stokesbary.

Referred to Committee on Rules for second reading

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 adjourned until 9:55 a.m., Friday, February 24, 2023, the 47th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

FORTY SEVENTH DAY

House Chamber, Olympia, Friday, February 24, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

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

RESOLUTION

**HOUSE RESOLUTION NO. 2023-4618**, by Representatives Low, Graham, Chambers, Mosbrucker, and Eslick

WHEREAS, Turner Syndrome is a genetic chromosomal condition that affects females in which one of the X chromosomes is missing or contains structural defects; and

WHEREAS, Turner Syndrome affects 1 out of every 2,500 live female births, and is the second most common genetic disorder; and

WHEREAS, There are an estimated 85,337 females who live with Turner Syndrome in the United States; and

WHEREAS, Females with Turner Syndrome can experience ovarian failure, infertility, congenital heart disease, osteoporosis, type 2 diabetes, obesity, and nonverbal disabilities; and

WHEREAS, There is no known cause or cure for Turner Syndrome; and

WHEREAS, Early diagnosis and intervention of Turner Syndrome with medical specialists has proven to have long-term, positive health outcomes; and

WHEREAS, Families, caregivers, and organizations are striving to support and bring about positive changes for females living with this condition and promote awareness of Turner Syndrome during each year in the month of February; and

WHEREAS, Through research, training, public services, support groups and organizations, and increased awareness, we will be more understanding, inclusive, and better equipped to support the infants, children, girls, and women with Turner Syndrome and their families; and

WHEREAS, With family and social support systems, a female with Turner Syndrome can live a happy, healthy life;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and support individuals with Turner Syndrome and acknowledge the tremendous courage that they and their families put forth every day.

HOUSE RESOLUTION NO. 4618 was adopted.

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

INTRODUCTION & FIRST READING

SB 5019 by Senators Wellman, Braun, Dhingra, Hunt, Keiser, Randall, Saldaña, Trudeau, Valdez and Wilson, C.

AN ACT Relating to classified staff providing student and staff safety; amending RCW 28A.150.260 and 28A.150.260; providing an effective date; and providing an expiration date.

Referred to Committee on Education.

SB 5023 by Senators Wilson, J., Lovick, Kuderer, Liias and Wellman

AN ACT Relating to roadside safety measures; amending RCW 46.37.196 and 46.61.212; and creating a new section.

Referred to Committee on Transportation.

SB 5088 by Senators Keiser and King

AN ACT Relating to adding references to contractor registration and licensing laws in workers' compensation, public works, and prevailing wage statutes; and amending RCW 39.04.350, 39.06.020, 39.12.050, 39.12.055, 39.12.065, 39.12.100, 51.08.070, 51.08.180, 51.08.181, 51.12.070, 51.12.120, 51.16.070, and 51.48.022.

Referred to Committee on Labor & Workplace Standards.

SB 5113 by Senators Warnick, Randall, Holy and Nguyen

AN ACT Relating to faculty in dental schools; and amending RCW 18.32.195.

Referred to Committee on Postsecondary Education & Workforce.

ESSB 5123 by Senate Committee on Labor & Commerce (originally sponsored by Keiser, Frame, Hunt, Kuderer, Mullet, Nguyen, Randall, Stanford, Van De Wege and Wellman)

AN ACT Relating to the employment of individuals who lawfully consume cannabis; adding new sections to chapter 49.44 RCW; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

ESSB 5142 by Senate Committee on Ways & Means (originally sponsored by Liias, Rivers, Dhingra, Kauffman, Nobles, Trudeau, Valdez, Wilson, C. and Wilson, J.)

AN ACT Relating to creating an account for the pharmaceutical rebate revenue generated by the purchase of medications for people living with HIV who are enrolled in the early intervention program; reenacting and amending RCW 43.79A.040; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Appropriations.

SSB 5170 by Senate Committee on State Government & Elections (originally sponsored by Hunt, Kuderer, Wilson, J., Hasegawa and Wilson, C.)

AN ACT Relating to funding and expenditures for legislative organizations by legislators who serve as elected leaders of those organizations; amending RCW 42.56.160; reenacting and amending RCW 42.52.150; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government & Tribal Relations.

ESSB 5272 by Senate Committee on Transportation (originally sponsored by Liias, King, Kuderer, Nguyen, Nobles, Saldaña and Wilson, C.)

AN ACT Relating to speed safety camera systems on state highways; amending RCW 46.63.030 and 46.63.075; adding a

new section to chapter 46.63 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

SB 5292 by Senators Randall, Rolfes, MacEwen, Liias, Lovick, Nguyen and Nobles

AN ACT Relating to accessing certain aquatic lands by a public transportation benefit area; and adding a new section to chapter 36.57A RCW.

Referred to Committee on Transportation.

SB 5296 by Senators Nobles, Van De Wege, Billig, Boehnke, Braun, Cleveland, Conway, Fortunato, Holy, Hunt, Lovick, Rivers, Robinson, Stanford, Wagoner, Wellman and Wilson, C.

AN ACT Relating to interruptive military service credit for members of the state retirement systems; and amending RCW 41.04.005.

Referred to Committee on Appropriations.

SSB 5306 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Short, Van De Wege, Nobles and Stanford)

AN ACT Relating to authorizing the department of fish and wildlife to establish disease interdiction and control check stations; and adding a new chapter to Title 77 RCW.

Referred to Committee on Agriculture and Natural Resources.

SB 5347 by Senators Wagoner, Pedersen, Dhingra, Kuderer and Wilson, C.

AN ACT Relating to access to abstract driving records; and amending RCW 46.52.130.

Referred to Committee on Transportation.

SB 5392 by Senators Schoesler and Pedersen

AN ACT Relating to overpayments for certain matters; and amending RCW 63.30.270.

Referred to Committee on Civil Rights & Judiciary.

ESB 5623 by Senators Dhingra, Conway, Hasegawa, Kuderer, Liias, Lovelett, Nobles, Pedersen, Stanford and Wilson, C.

AN ACT Relating to modifying an element of the offense of hate crime and classifying a hate crime as crimes against persons; and amending RCW 9A.36.080 and 9.94A.411.

Referred to Committee on Community Safety, Justice, & Reentry.

SB 5705 by Senators Stanford, Dozier and Hasegawa

AN ACT Relating to the administration of the legislative committee on economic development and international relations; amending RCW 43.15.050, 43.15.060, and 43.15.090; and repealing RCW 43.15.085.

Referred to Committee on State Government & Tribal Relations.

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, with the exception of SENATE BILL NO. 5392 which was referred to the Committee on Civil Rights & Judiciary.

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

## REPORTS OF STANDING COMMITTEES

February 21, 2023

HB 1032

Prime Sponsor, Representative Dent: Mitigating the risk of wildfires through electric utility planning and identification of best management practices appropriate to each electric utility's circumstances. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture and Natural Resources. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1182

Prime Sponsor, Representative Wylie: Providing a tax exemption for the first 20,000 gallons of wine sold by a winery in Washington. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Regulated Substances & Gaming be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1197

Prime Sponsor, Representative Bronoske: Defining attending provider and clarifying other provider functions for workers' compensation claims, and adding psychologists as attending providers for mental health only claims. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Couture; Dye; Rude; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Chandler; Connors; Harris; and Sandlin.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1260 Prime Sponsor, Representative Alvarado: Accelerating stability for people with a work-limiting disability or incapacity. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; and Steele.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1306 Prime Sponsor, Representative Tharinger: Addressing equity and efficiencies in public works procurement including modifying small works roster requirements. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1365 Prime Sponsor, Representative Dye: Improving Puget Sound water quality. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1371 Prime Sponsor, Representative Barkis: Providing incentives to improve freight railroad infrastructure. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Chopp.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1378 Prime Sponsor, Representative Reeves: Concerning the removal of derelict aquatic structures and restoration of aquatic lands. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill by Committee on Agriculture and Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1390 Prime Sponsor, Representative Ramel: Concerning district energy systems. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; Morgan; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

MINORITY recommendation: Without recommendation. Signed by Representatives Christian; Couture; Dye; McEntire; and Mosbrucker.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1405 Prime Sponsor, Representative Alvarado: Preserving public benefit payments to people in the care of the department of children, youth, and families. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services, Youth, & Early Learning. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler; and Schmick.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1433 Prime Sponsor, Representative Duerr: Concerning energy labeling of residential buildings. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 20, 2023

HB 1436 Prime Sponsor, Representative Pollet: Funding special education. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1445 Prime Sponsor, Representative Hansen: Concerning law enforcement and local corrections agency misconduct through investigations and legal actions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; and Steele.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1494 Prime Sponsor, Representative Dent: Concerning collection of assessments for irrigation and rehabilitation districts. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Local Government be substituted therefor and the substitute bill do pass. Signed by Representatives Berg,

Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1506 Prime Sponsor, Representative Ryu: Concerning leases on land managed or occupied by the department of social and health services. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Dye; Fosse; Leavitt; Maycumber; McClintock; McEntire; Morgan; Peterson; Reed; Rule; Shavers; Stearns and Waters.

MINORITY recommendation: Do not pass. Signed by Representatives Farivar; and Kloba.

MINORITY recommendation: Without recommendation. Signed by Representatives Couture; Mosbrucker; and Orwall.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1510 Prime Sponsor, Representative Santos: Establishing permanent funding for community preservation and development authorities approved through RCW 43.167.060. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Chopp; Ramel; Santos; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Jacobsen, Assistant Ranking Minority Member; and Stokesbary.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Barnard; and Springer.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1575 Prime Sponsor, Representative Reed: Modifying the sales and use tax for cultural access programs by allowing the tax to be imposed by a councilmanic or commission authority and defining timelines and priorities for action. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Ramel; Santos; Springer; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Barnard.



MINORITY recommendation: Without recommendation. Signed by Representatives Chopp; and Stokesbary.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1596 Prime Sponsor, Representative Kloba: Providing local governments with options to increase affordable housing in their communities. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Local Government be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Ramel; Santos; Springer; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; and Barnard.

MINORITY recommendation: Without recommendation. Signed by Representatives Jacobsen, Assistant Ranking Minority Member; Chopp; and Stokesbary.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1618 Prime Sponsor, Representative Farivar: Concerning the statute of limitations for childhood sexual abuse. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Stokesbary, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; and Connors.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1663 Prime Sponsor, Representative Goehner: Allowing functionally consolidated port districts to adopt a unified levy. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1681 Prime Sponsor, Representative Stearns: Concerning problem gambling. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Regulated Substances & Gaming. Signed by Representatives Berg, Chair; Street, Vice Chair; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1693 Prime Sponsor, Representative Lekanoff: Expanding the students experiencing homelessness and foster youth pilot program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Harris; Rude; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; and Sandlin.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1709 Prime Sponsor, Representative Tharinger: Concerning housing programs administered by the department of commerce. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1742 Prime Sponsor, Representative Wylie: Concerning nontax statutes administered by the department of revenue. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1746 Prime Sponsor, Representative Ryu:  
Concerning a state broadband map. Reported  
by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Innovation, Community & Economic Development, & Veterans. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1761 Prime Sponsor, Representative Christian:  
Increasing the personal property tax  
exemption. Reported by Committee on  
Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Without recommendation.  
Signed by Representative Orcutt, Ranking Minority Member.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1764 Prime Sponsor, Representative Wylie:  
Establishing a method of valuing asphalt and  
aggregate used in public road construction  
for purposes of taxation. Reported by  
Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1777 Prime Sponsor, Representative Doglio:  
Authorizing the use of performance-based  
contracting for energy services and  
equipment. Reported by Committee on  
Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Alvarado; Bateman; Cheney; Christian; Couture; Dye; Farivar; Fosse; Kloba; Leavitt; Maycumber; McClintock; McEntire; Morgan; Mosbrucker; Orwall; Peterson; Reed; Rule; Shavers; Stearns and Waters.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1789 Prime Sponsor, Representative Reeves:  
Expanding revenue generation and economic  
opportunities from natural climate solutions  
and ecosystem services. Reported by  
Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Callan, Vice Chair; Hackney, Vice Chair; Alvarado; Bateman; Farivar; Fosse; Kloba; Leavitt; Morgan; Orwall; Peterson; Reed; Rule; Shavers and Stearns.

MINORITY recommendation: Do not pass. Signed by Representatives Steele, Ranking Minority Member; Abbarno, Assistant Ranking Minority Member; Sandlin, Assistant Ranking Minority Member; Cheney; Christian; Couture; Dye; McClintock; McEntire; Mosbrucker; and Waters.

MINORITY recommendation: Without recommendation.  
Signed by Representative Maycumber.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1812 Prime Sponsor, Representative Springer:  
Continuing the business and occupation tax  
deduction for federal funds received from a  
medicaid transformation or demonstration  
project or medicaid quality improvement  
program or standard. Reported by Committee  
on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

February 22, 2023

HJR 4206 Prime Sponsor, Representative Leavitt:  
Concerning the taxation of personal property.  
Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Without recommendation.  
Signed by Representative Orcutt, Ranking Minority Member.

Referred to Committee on Rules for second reading

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

#### FIRST SUPPLEMENTAL REPORT OF STANDING COMMITTEES

February 23, 2023

HB 1025 Prime Sponsor, Representative Thai:  
Creating a private right of action for harm  
from violations of the state Constitution or  
state law by peace officers. Reported by  
Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1028 Prime Sponsor, Representative Orwall: Supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community Safety, Justice, & Reentry. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1132 Prime Sponsor, Representative Goodman: Concerning oversight and training requirements for limited authority Washington peace officers and agencies. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Community Safety, Justice, & Reentry be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 21, 2023

HB 1167 Prime Sponsor, Representative Duerr: Concerning residential housing regulations. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg;

Chopp; Connors; Couture; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Harris; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1189 Prime Sponsor, Representative Hackney: Concerning the release of incarcerated individuals from total confinement prior to the expiration of a sentence. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community Safety, Justice, & Reentry. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1216 Prime Sponsor, Representative Fitzgibbon: Concerning clean energy siting. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Rude; and Schmick.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1239 Prime Sponsor, Representative Santos: Establishing a simple and uniform system for complaints related to, and instituting a code of educator ethics for, conduct within or involving public elementary and secondary schools. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Couture; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Connors; Dye; Harris; and Sandlin.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1278 Prime Sponsor, Representative Ortiz-Self: Supporting guardianships and voluntary placement with nonrelative kin. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services, Youth, & Early Learning. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Couture.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1333 Prime Sponsor, Representative Ramos: Establishing the domestic violent extremism commission. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1392 Prime Sponsor, Representative Gregerson: Promoting the fair servicing and repair of digital electronic equipment. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Consumer Protection & Business. Signed by Representatives Ormsby,

Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Sandlin; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Dye; Harris; Rude; and Schmick.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1452 Prime Sponsor, Representative Timmons: Establishing a state medical reserve corps. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1512 Prime Sponsor, Representative Mosbrucker: Providing tools and resources for the location and recovery of missing persons. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1518 Prime Sponsor, Representative Barkis: Concerning parking at rest areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Bronoske; Chapman; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Berry; Cortes; Mena; and Ramel.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1678 Prime Sponsor, Representative Riccelli: Establishing and authorizing the profession of dental therapy. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Bergquist, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1694 Prime Sponsor, Representative Alvarado: Addressing home care workforce shortages. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1804 Prime Sponsor, Representative Steele: Concerning eligibility for participation in the public employees' benefits board for retired or disabled employees of counties, municipalities, and other political subdivisions. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1829 Prime Sponsor, Representative Fey: Creating the LeMay-America's Car Museum special license plate. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1839 Prime Sponsor, Representative Santos: Concerning train length on railroads. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Berry; Bronoske; Cortes; Doglio; Duerr; Entenman; Hackney; Mena; Ramel; Ramos; Taylor and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Chapman; Dent; Goehner; Klicker; Schmidt; and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Low, Assistant Ranking Minority Member; Griffey; Orcutt; and Walsh.

Referred to Committee on Rules for second reading

**SECOND SUPPLEMENTAL REPORT OF STANDING COMMITTEES**

February 23, 2023

HB 1013 Prime Sponsor, Representative Maycumber: Establishing regional apprenticeship programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1057 Prime Sponsor, Representative Stokesbary: Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1104 Prime Sponsor, Representative Goodman: Concerning eligibility and requirements for deferred prosecutions. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt.

MINORITY recommendation: Without recommendation. Signed by Representative Timmons, Vice Chair.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1110 Prime Sponsor, Representative Bateman: Increasing middle housing in areas traditionally dedicated to single-family detached housing. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Couture; Davis; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Dye; Rude; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representative Connors.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1112 Prime Sponsor, Representative Harris: Imposing criminal penalties for negligent driving involving the death of a vulnerable user victim. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member;

Bronoske; Chapman; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Orcutt; Ramel; Ramos; Schmidt; Volz and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Timmons, Vice Chair; Berry; Cortes; Mena; Taylor; and Walsh.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1131 Prime Sponsor, Representative Berry: Improving Washington's solid waste management outcomes. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; and Chandler.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1134 Prime Sponsor, Representative Orwall: Implementing the 988 behavioral health crisis response and suicide prevention system. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1143 Prime Sponsor, Representative Berry: Concerning requirements for the purchase or transfer of firearms. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; Steele; and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1151 Prime Sponsor, Representative Stonier: Mandating coverage for fertility services. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Berg; Chopp; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1201 Prime Sponsor, Representative Ormsby: Concerning actuarial funding of state retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Berg; Chopp; Couture; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Schmick; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Rude.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Dye; Harris; Sandlin; and Steele.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1205 Prime Sponsor, Representative Taylor: Responsibility for providing service by publication of a summons or notice in dependency and termination of parental rights cases. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers,

Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1229 Prime Sponsor, Representative Simmons: Updating processes related to voter registration. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Berry; Bronoske; Chapman; Cortes; Doglio; Duerr; Entenman; Hackney; Mena; Ramel; Ramos; Taylor and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Dent; Goehner; Griffey; Klicker; Orcutt; Schmidt; Volz; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representative Low, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1238 Prime Sponsor, Representative Riccelli: Providing free school meals for all. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler; Dye; and Schmick.

Referred to Committee on Rules for second reading

February 22, 2023

HB 1272 Prime Sponsor, Representative Bergquist: Concerning publishing, formatting, and distribution of the state and local voters' pamphlets. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Assistant Ranking Minority Member; Rude; and Steele.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1291 Prime Sponsor, Representative Fosse: Expanding collective bargaining for employees who are enrolled in academic programs at public institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Connors; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Couture; Dye; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Connors; Harris; and Rude.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1300 Prime Sponsor, Representative Orwall: Concerning fraud in assisted reproduction. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1305 Prime Sponsor, Representative Pollet: Improving access to and provision of a free appropriate public education for students with disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler; Dye; and Schmick.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1316 Prime Sponsor, Representative Paul: Expanding access to dual credit programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chandler; and Couture.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1320 Prime Sponsor, Representative Reed: Concerning access to personnel records. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; and Rude.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1332 Prime Sponsor, Representative Lekanoff: Supporting public school instruction in tribal sovereignty and federally recognized Indian tribes. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading



February 24, 2023

reporters. Reported by Committee on Appropriations

HB 1338 Prime Sponsor, Representative Reeves: Concerning education and vocational programs in state correctional institutions. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Postsecondary Education & Workforce. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Lekanoﬀ; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; and Schmick.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1357 Prime Sponsor, Representative Simmons: Modernizing the prior authorization process. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoﬀ; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1363 Prime Sponsor, Representative Rule: Concerning vehicular pursuits. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill by Committee on Community Safety, Justice, & Reentry be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Bronoske; Chapman; Cortes; Dent; Duerr; Goehner; Griffey; Hackney; Klicker; Orcutt; Ramel; Schmidt; Volz; Walsh and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Berry; Doglio; Entenman; Mena; and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Ramos.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1370 Prime Sponsor, Representative Reeves: Providing the payment of awards to whistleblowers who report violations of state or federal securities laws and providing protection to whistleblowers and internal

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoﬀ; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1381 Prime Sponsor, Representative Dye: Concerning salmon-safe communities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoﬀ; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1389 Prime Sponsor, Representative Ramel: Concerning residential rent increases under the residential landlord-tenant act and the manufactured/mobile home landlord-tenant act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoﬀ; Pollet; Riccelli; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Ryu.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1391 Prime Sponsor, Representative Ramel: Concerning energy in buildings. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoﬀ; Pollet;

Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1394 Prime Sponsor, Representative Senn: Creating a developmentally appropriate response to youth who commit sexual offenses. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services, Youth, & Early Learning be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1439 Prime Sponsor, Representative Goodman: Addressing child exposure to violence. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services, Youth, & Early Learning be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1447 Prime Sponsor, Representative Peterson: Strengthening the ability of assistance programs to meet foundational needs of children, adults, and families. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services, Youth, & Early Learning. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1470 Prime Sponsor, Representative Ortiz-Self: Concerning private detention facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community Safety, Justice, & Reentry. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; Rude; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Connors; Couture; Dye; Harris; and Sandlin.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1474 Prime Sponsor, Representative Taylor: Creating the covenant homeownership account and program to address the history of housing discrimination due to racially restrictive real estate covenants in Washington state. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Housing. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1477 Prime Sponsor, Representative Thai: Making changes to the working families' tax credit. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Finance. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking

Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Rude.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1479 Prime Sponsor, Representative Callan: Concerning restraint or isolation of students in public schools and educational programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Couture; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Dye; Rude; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1491 Prime Sponsor, Representative Orcutt: Prohibiting unjustified employer searches of employee personal vehicles. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1492 Prime Sponsor, Representative Simmons: Providing relief for persons affected by State v. Blake. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Civil Rights & Judiciary. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Rude.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1498 Prime Sponsor, Representative Dye: Concerning aviation assurance funding in response to wildland fires. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture and Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1508 Prime Sponsor, Representative Macri: Improving consumer affordability through the health care cost transparency board. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1513 Prime Sponsor, Representative Street: Improving traffic safety. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill by Committee on Community Safety, Justice, & Reentry be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Berry; Bronoske; Chapman; Cortes; Doglio; Duerr; Entenman; Hackney; Mena; Ramel; Ramos; Taylor and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority

Member; Goehner; Griffey; Klicker; Orcutt; Schmidt; Volz; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Timmons, Vice Chair; and Dent.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1515 Prime Sponsor, Representative Macri: Concerning contracting and procurement requirements for behavioral health services in medical assistance programs. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; and Harris.

MINORITY recommendation: Without recommendation. Signed by Representatives Connors; Couture; Dye; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1522 Prime Sponsor, Representative Pollet: Addressing sexual misconduct at scholarly or professional associations. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Postsecondary Education & Workforce. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1525 Prime Sponsor, Representative Fosse: Concerning eligibility for working connections child care benefits for persons participating in state registered apprenticeships. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services, Youth, & Early Learning. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude;

Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1534 Prime Sponsor, Representative Orwall: Strengthening protections for consumers in the construction industry. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1541 Prime Sponsor, Representative Farivar: Establishing the nothing about us without us act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; and Rude.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1550 Prime Sponsor, Representative Santos: Assisting eligible children in need of additional preparation to be successful in kindergarten by establishing the transition to kindergarten program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Davis; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Dye; and Schmick.

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

Referred to Committee on Rules for second reading

February 23, 2023

HB 1554 Prime Sponsor, Representative Doglio: Reducing public health and environmental impacts from lead. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill by Committee on Environment & Energy be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Berry; Bronoske; Cortes; Doglio; Duerr; Entenman; Hackney; Mena; Ramel; Ramos; Taylor and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Orcutt; Schmidt; Volz; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Chapman; Dent; Goehner; Griffey; and Klicker.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1559 Prime Sponsor, Representative Entenman: Establishing the student basic needs at public postsecondary institutions act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Postsecondary Education & Workforce. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1565 Prime Sponsor, Representative Ortiz-Self: Supporting and strengthening the professional education workforce. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Assistant Ranking Minority Member; Couture; Dye; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Stokesbary, Ranking Minority

Member; Chambers, Assistant Ranking Minority Member; Chandler; Connors; Harris; Sandlin; and Steele.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1570 Prime Sponsor, Representative Berry: Concerning social insurance programs applicable to transportation network companies and drivers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Labor & Workplace Standards be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Dye.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1578 Prime Sponsor, Representative Springer: Improving community preparedness, response, recovery, and resilience to wildland fire health and safety impacts in areas of increasing population density, including in the wildland urban interface. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture and Natural Resources. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1579 Prime Sponsor, Representative Stonier: Establishing a mechanism for independent prosecutions within the office of the attorney general of criminal conduct arising from police use of force. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community Safety, Justice, & Reentry. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chandler; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry,

Assistant Ranking Minority Member; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1580 Prime Sponsor, Representative Callan: Creating a system to support children in crisis. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services, Youth, & Early Learning. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1586 Prime Sponsor, Representative Goodman: Requiring the criminal justice training commission to establish a work group and grant program related to vehicular pursuits. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community Safety, Justice, & Reentry. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1593 Prime Sponsor, Representative Macri: Concerning industrial insurance coverage for posttraumatic stress disorders affecting registered nurses. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chandler; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Dye; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; Connors; Couture; Harris; Rude; Sandlin; and Steele.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1626 Prime Sponsor, Representative Bronoske: Concerning coverage for colorectal screening tests under medical assistance programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1639 Prime Sponsor, Representative Lekanoff: Concerning the Billy Frank Jr. national statutory hall selection committee. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1648 Prime Sponsor, Representative Reeves: Concerning ticket sales. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Consumer Protection & Business. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Springer.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1652 Prime Sponsor, Representative Taylor: Concerning child support pass through. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1686 Prime Sponsor, Representative Lekanoff: Concerning salmon recovery reform. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; and Schmick.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1688 Prime Sponsor, Representative Hackney: Concerning payments to tow truck operators for the release of vehicles to indigent citizens. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1715 Prime Sponsor, Representative Davis: Enacting comprehensive protections for victims of domestic violence and other violence involving family members or intimate partners. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community Safety, Justice, & Reentry. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chandler; Chopp; Davis; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Chandler; and Dye.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; Connors; Couture; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1717 Prime Sponsor, Representative Rule: Supporting innovation at associate development organizations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representative Schmick.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1724 Prime Sponsor, Representative Bateman: Increasing the trained behavioral health workforce. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Postsecondary Education & Workforce. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1728 Prime Sponsor, Representative Donaghy: Creating a statewide resiliency program. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Innovation, Community & Economic Development, & Veterans. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Assistant Ranking Minority Member; and Schmick.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1736

Prime Sponsor, Representative Cortes: Requiring the department of licensing to collect vehicle odometer readings at the time of original vehicle registration and registration renewal. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Berry; Bronoske; Chapman; Cortes; Doglio; Duerr; Entenman; Hackney; Mena; Ramel; Ramos; Taylor and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Goehner; Griffey; Klicker; Orcutt; and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Dent; Schmidt; and Walsh.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1745

Prime Sponsor, Representative Thai: Improving diversity in clinical trials. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1762

Prime Sponsor, Representative Doglio: Protecting warehouse employees. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Labor & Workplace Standards. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representative Springer.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1766

Prime Sponsor, Representative Griffey: Creation of a hope card program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Civil Rights & Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1782

Prime Sponsor, Representative McEntire: Addressing the operating and maintenance deficit of the Wahiakum county ferry. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1783

Prime Sponsor, Representative Sandlin: Supporting economic development in distressed areas through hiring of grant writers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1791

Prime Sponsor, Representative Fey: Studying the need for increased commercial aviation services. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Hackney; Klicker; Mena; Ramel; Ramos; Schmidt; Taylor; Volz and Wylie.



MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Assistant Ranking Minority Member; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representatives Griffey; and Orcutt.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1807 Prime Sponsor, Representative Fey: Concerning speed safety camera systems on state highways. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt.

Referred to Committee on Rules for second reading

February 24, 2023

HB 1823 Prime Sponsor, Representative Timmons: Modifying the Washington student loan program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chandler; Chopp; Connors; Davis; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Couture; Dye; and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representatives Corry, Assistant Ranking Minority Member; and Sandlin.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1833 Prime Sponsor, Representative Paul: Setting ferry fuel surcharges. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 23, 2023

HB 1838 Prime Sponsor, Representative Fey: Transferring the responsibilities for the transportation revenue forecast for the transportation budget to the economic and revenue forecast council. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

February 24, 2023

HJR 4204 Prime Sponsor, Representative Volz: Authorizing investment of funds held for the purpose of reducing persistent poverty. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; and Chandler.

MINORITY recommendation: Without recommendation. Signed by Representative Connors.

Referred to Committee on Rules for second reading

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

There being no objection, the House adjourned until 9:00 a.m., Monday, February 27, 2023, the 50th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTIETH DAY

House Chamber, Olympia, Monday, February 27, 2023

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Sophie Oakes and Sarah Stalcup. The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Gary Hebden from the Intersection Open Bible Church, Spokane Valley.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4619**, by Representatives Hackney, Orwall, Taylor, Bergquist, Macri, Thai, Alvarado, Ryu, Pollet, Mosbrucker, Rule, Schmidt, Stonier, Cortes, Entenman, Senn, Riccelli, Davis, Farivar, Low, Stearns, Wylie, Bronoske, Callan, Slatter, Chopp, Timmons, Goodman, Berry, Simmons, Tharinger, Leavitt, Mena, Ramel, Street, Duerr, Klicker, Berg, Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Kretz, Maycumber, McClintock, McEntire, Orcutt, Robertson, Rude, Sandlin, Schmick, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox, and Ybarra

WHEREAS, During the month of February each year, the great state of Washington comes together to celebrate Black Americans' contributions to our history, culture, and nation; and

WHEREAS, Black history is American history. Black culture is American culture; and

WHEREAS, We come together as a state to acknowledge the resilience of Black communities, and honor those who have endured racial discrimination and injustice; and

WHEREAS, Much of the history of Black Americans can be viewed through the lens of the long, hard struggle to reconcile the reality of slavery, Jim Crow, and segregation with the words and ideals written in the Declaration of Independence and the Bill of Rights; and

WHEREAS, In the face of persistent and entrenched injustice and inequality, countless men and women of good will came together to fight to improve our imperfect union and bring it closer to the ideals of equality and opportunity for all; and

WHEREAS, Black Americans' desire to succeed and contribute, and the love for their country, has left a positive impact on American culture and society in areas of education, medicine, industry, the military, religion, social sciences, philosophy, agriculture, engineering, and the arts; and

WHEREAS, This Black History Month, and every month, is a time to learn about those who came before us, and keep moving towards a better, more just future;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate Black History Month and recognize the legacy and innumerable contributions of Black Americans to our communities, the state of Washington, and the United States of America, not only in February but throughout the whole year; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage the celebration of Black History Month in our schools and universities, and in our communities and neighborhoods, to foster a better understanding of that history and its significance here in Washington and throughout this nation.

HOUSE RESOLUTION NO. 4619 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker recognized Kent City Councilmember Brenda Fincher in the South Gallery who was here in observation of Black History Month and asked the Chamber to acknowledge her.

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

## INTRODUCTION &amp; FIRST READING

SSB 5077 by Senate Committee on Law & Justice (originally sponsored by Pedersen and Wagoner)

AN ACT Relating to the uniform commercial code; amending RCW 62A.1-201, 62A.1-204, 62A.1-301, 62A.1-306, 62A.2-102, 62A.2-106, 62A.2-201, 62A.2-202, 62A.2-203, 62A.2-205, 62A.2-209, 62A.2A-102, 62A.2A-103, 62A.2A-107, 62A.2A-201, 62A.2A-202, 62A.2A-203, 62A.2A-205, 62A.2A-208, 62A.3-104, 62A.3-105, 62A.3-401, 62A.3-604, 62A.4A-103, 62A.4A-201, 62A.4A-202, 62A.4A-203, 62A.4A-207, 62A.4A-208, 62A.4A-210, 62A.4A-211, 62A.4A-305, 62A.5-104, 62A.5-116, 62A.7-102, 62A.7-106, 62A.8-102, 62A.8-103, 62A.8-106, 62A.8-110, 62A.8-303, 62A.9A-102, 62A.9A-104, 62A.9A-105, 62A.9A-203, 62A.9A-204, 62A.9A-207, 62A.9A-208, 62A.9A-209, 62A.9A-210, 62A.9A-301, 62A.9A-304, 62A.9A-305, 62A.9A-310, 62A.9A-312, 62A.9A-313, 62A.9A-314, 62A.9A-316, 62A.9A-317, 62A.9A-323, 62A.9A-324, 62A.9A-330, 62A.9A-331, 62A.9A-332, 62A.9A-334, 62A.9A-341, 62A.9A-404, 62A.9A-406, 62A.9A-408, 62A.9A-509, 62A.9A-513, 62A.9A-601, 62A.9A-605, 62A.9A-608, 62A.9A-611, 62A.9A-613, 62A.9A-614, 62A.9A-615, 62A.9A-616, 62A.9A-619, 62A.9A-620, 62A.9A-621, 62A.9A-624, and 62A.9A-628; adding new sections to Article 9A of Title 62A RCW; adding new articles to Title 62A RCW; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

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

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

## SECOND READING

**HOUSE BILL NO. 1330**, by Representatives Christian, Pollet, Schmidt, Couture, Low and Doglio

**Adjusting the threshold for requiring candidate contribution certifications relating to foreign nationals.**

The bill was read the second time.

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

Representatives Christian and Ramos spoke in favor of the passage of the bill.

### MOTIONS

On motion of Representative Leavitt, Representative Paul was excused.

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

The Speaker stated the question before the House to be the final passage of House Bill No. 1330.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1330, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Klicker and Paul

HOUSE BILL NO. 1330, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1079, by Representatives Thai, Slatter and Ryu**

**Concerning rapid whole genome sequencing.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1079 was substituted for House Bill No. 1079 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1079 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 Thai and Schmick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1079.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1079, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker,

Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1079, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1335, by Representatives Hansen, Berry, Farivar, Taylor, Ramel, Simmons, Kloba, Bateman, Reed and Lekanoff**

**Concerning the unauthorized publication of personal identifying information.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1335 was substituted for House Bill No. 1335 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1335 was read the second time.

Representative Walsh moved the adoption of amendment (030):

On page 1, beginning on line 18, after "injury;" strike all material through "disruption" on line 20 and insert "or (iii) fear of serious bodily injury or death for themselves or a close relation to themselves"

On page 4, beginning on line 6, strike all of subsection (g)

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

On page 4, beginning on line 37, strike all of subsection (l)

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (030) was not adopted.

Representative Hansen moved the adoption of amendment (027):

On page 2, beginning on line 13, beginning with "a lawful" strike all material through "; or" on line 14 and insert "an exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the United States Constitution or Washington state Constitution;

(c) Providing personal identifying information to, or in the course of acting as or on behalf of, "news media" as defined in RCW 5.68.010(5);"

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

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

Amendment (027) was adopted.

Representative Cheney moved the adoption of amendment (034):

On page 2, line 14, after "petition;" strike "or"

On page 2, line 27, after "liens;" strike "or"

On page 2, line 31, after "regulation" insert "; or

(g) Providing personal identifying information in compliance with the fair credit reporting act (84 Stat. 1127; 15 U.S.C. Sec. 1681 et seq.) or fair debt collection practices act (91 Stat. 874; 15 U.S.C. Sec. 1692 et seq.)"

Representatives Cheney and Hansen spoke in favor of the adoption of the amendment.

Amendment (034) 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 Hansen 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. 1335.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1335, and the bill passed the House by the following vote: Yeas, 79; Nays, 16; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Kloba, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Chambers, Christian, Corry, Dent, Dye, Graham, Jacobsen, Kretz, McClintock, McEntire, Schmick, Schmidt, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Chandler, Klicker and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1335, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1037, by Representative Walsh

##### Concerning family burial grounds.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1037 was substituted for House Bill No. 1037 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1037 was read the second time.

Representative Hansen moved the adoption of amendment (028):

On page 2, beginning on line 14, after "Sec. 4." strike all material through "record" on line 17 and insert "Within 30 days of each burial in a family burial ground, the owner of the property on which the family burial ground is located shall report the burial to the Washington state department of archaeology and historic preservation and record the burial with the county auditor of the county in which the property is situated. The owner shall report to the department and record with the county auditor"

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

Amendment (028) was adopted.

Representative Hansen moved the adoption of amendment (025):

On page 4, after line 18, insert the following:

"Sec. 12. RCW 84.36.020 and 2022 c 84 s 1 are each amended to read as follows:

The following real and personal property shall be exempt from taxation:

(1)(a) All lands, buildings, and personal property required for necessary administration and maintenance, used, or to the extent used, exclusively for public burying grounds or cemeteries without discrimination as to race, color, national origin or ancestry;

(b) The exemption provided by this subsection (1) does not apply to family burial grounds established pursuant to chapter 68.--- RCW (the new chapter created in section 13 of this act);

(2)(a) All churches, personal property, and the ground, not exceeding five acres in area, upon which a church of any nonprofit recognized religious denomination is or must be built, together with a parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property. The area exempted must in any case include all ground covered by the church, parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property and the structures and ground necessary for street access, parking, light, and ventilation, but the area of unoccupied ground exempted in such cases, in connection with church, parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property, shall not exceed the equivalent of one hundred twenty by one hundred twenty feet except where additional unoccupied land may be required to conform with state or

local codes, zoning, or licensing requirements. The parsonage and convent need not be on land contiguous to the church property. Except as otherwise provided in this subsection, to be exempt the property must be wholly used for church purposes.

(b) If the rental income or donations, if applicable, are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented, the exemption provided by this subsection (2) is not nullified by:

(i) The loan or rental of property otherwise exempt under this subsection (2) to a nonprofit organization, association, or corporation, or school to conduct an eleemosynary activity;

(ii) The rental or use of the property by any individual, group, or entity, where such rental or use is not otherwise authorized by this subsection (2), for not more than fifty days in each calendar year, and the property is not used for pecuniary gain or to promote business activities for more than fifteen of the fifty days in each calendar year. The fifty and fifteen-day limitations provided in this subsection (2)(b)(ii) do not include days during which setup and takedown activities take place immediately preceding or following a meeting or other event by an individual, group, or entity using the property as provided in this subsection (2)(b)(ii). The 15-day and 50-day limitations provided in this subsection (2)(b)(ii) do not apply to the use of the property for pecuniary gain or for business activities if the property is used for activities related to a qualifying farmers market, as defined in RCW 66.24.170, and all income received from rental or use of the exempt property is used for capital improvements to the exempt property, maintenance and operation of the exempt property, or exempt purposes. The exempt property may be used for up to 53 days for the purposes of a qualifying farmers market; or

(iii) An inadvertent use of the property in a manner inconsistent with the purpose for which exemption is granted, if the inadvertent use is not part of a pattern of use. A pattern of use is presumed when an inadvertent use is repeated in the same assessment year or in two or more successive assessment years."

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

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

Amendment (025) 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 Walsh and Hansen spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1037.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1037, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Klicker and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1037, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1232, by Representatives Bergquist, Chambers, Entenman, Slatter, Paul, Ramos, Mena, Street, Riccelli, Pollet, Callan, Hackney, Thai, Reeves, Reed, Ortiz-Self, Kloba, Duerr, Doglio, Morgan, Ramel, Goodman, Tharinger, Lekanoff, Gregerson and Santos**

**Enhancing the college bound scholarship program.**

The bill was read the second time.

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

Representatives Bergquist and Ybarra spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1232.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1232, and the bill passed the House by the following vote: Yeas, 92; Nays, 3; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Caldier, Goehner and Rude

Excused: Representatives Chandler, Klicker and Paul

HOUSE BILL NO. 1232, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1247, by Representatives Reed, Harris, Mena, Berry, Simmons, Morgan, Slatter, Ryu, Goodman, Donaghy, Reeves, Sandlin, Stearns and Fosse**

**Licensing music therapists.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1247 was substituted for House Bill No. 1247 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1247 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 Reed spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1247.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1247, and the bill passed the House by the following vote: Yeas, 82; Nays, 13; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chambers, Christian, Corry, Dent, Dye, Goehner, Graham, Jacobsen, Orcutt, Schmick, Stokesbary, Volz and Walsh

Excused: Representatives Chandler, Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1247, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Berry congratulated Representative Reed on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

### SECOND READING

**HOUSE BILL NO. 1638, by Representatives Fey, Barkis, Robertson, Lekanoff, Schmidt, Ramel, Duerr, Timmons, Eslick and Jacobsen**

**Creating a state trooper expedited recruitment incentive program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1638 was substituted for House Bill No. 1638 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1638 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 Fey and Barkis spoke in favor of the passage of the bill.

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

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1638.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1638, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Morgan

Excused: Representatives Chandler, Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1638, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1088, by Representatives Walen and Reeves**

**Concerning the uniform family law arbitration act.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1088 was substituted for House Bill No. 1088 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1088 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 Walen and Walsh spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1088.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1088, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons,

Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1088, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1543, by Representatives Dye, Kretz, Springer, Graham, Eslick, Mosbrucker, Chapman, Ryu, Wylie, Klicker, Couture and Davis**

**Establishing a wild horse holding and training program at Coyote Ridge corrections center.**

The bill was read the second time.

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

Representatives Dye and Simmons spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1543.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1543, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Klicker and Paul

HOUSE BILL NO. 1543, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

**SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Pedersen, Short and Liias**

**Convening a joint session for the purpose of receiving the address of H.E. Sauli Niinistö, President of the Republic of Finland.**

The concurrent resolution was read the third time.

Representatives Fitzgibbon and Corry spoke in favor of the adoption of the concurrent resolution.

The Speaker stated the question before the House to be the final passage of Senate Concurrent Resolution No. 8404.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 8404, and the concurrent

resolution passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Klicker and Paul

SENATE CONCURRENT RESOLUTION NO. 8404, having received the necessary constitutional majority, was adopted.

The Speaker called upon Representative Orwall to preside.

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

### SECOND READING

**HOUSE BILL NO. 1039, by Representatives Macri, Harris, Corry, Duerr, Riccelli, Chambers, Goodman, Reed, Fitzgibbon, Pollet, Ryu, Paul, Thai, Springer, Stonier, Kloba, Santos and Ormsby**

**Concerning physical therapists performing intramuscular needling.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1039 was substituted for House Bill No. 1039 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1039 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 Macri and Chambers spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Ramel, Representative Wylie was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1039.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1039, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude,

Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Voting Nay: Representative Ramos

Excused: Representatives Klicker, Paul and Wylie

SECOND SUBSTITUTE HOUSE BILL NO. 1039, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1600, by Representatives Goodman, Berry, Ramel and Pollet**

**Providing access to sealed juvenile records for firearm purposes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1600 was substituted for House Bill No. 1600 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1600 was read the second time.

Representative Goodman moved the adoption of amendment (052):

On page 6, beginning on line 22, after "records" strike all material through "year" on line 23

On page 7, line 10, after "parties" insert " "

On page 7, line 11, after "agencies" insert " "

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

Amendment (052) 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 Goodman and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1600.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1600, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Klicker, Paul and Wylie

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1600, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1277, by Representatives Donaghy, Harris, Slatter, Kloba, Reeves, Reed, Ormsby and Pollet**

**Establishing rules to improve the consistency and quality of the implementation of the fundamental courses of study for paraeducators.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1277 was substituted for House Bill No. 1277 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1277 was read the second time.

Representative Bergquist moved the adoption of the striking amendment (051):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature acknowledges that it created the paraeducator board to adopt standards of practice and required school districts to provide to paraeducators a four-day fundamental course of study on the standards to paraeducators. The legislature finds that it required that at least one day of the fundamental course of study be provided in person due to the benefits of in-person instruction, including that instructors can confirm the participant's application of learning objectives.

(2) The legislature recognizes that paraeducators benefit from in-person training that is part of the hiring and onboarding process. The legislature intends to expand this benefit by generally requiring two days of the fundamental course of study be provided to paraeducators in person. The legislature recognizes that an exemption from this in-person requirement is necessary for some small school districts that experience barriers to providing the fundamental course of study in person due to long commute times for paraeducators, irregular hiring dates in small school districts, and other extenuating circumstances.

(3) However, it is the intent of the legislature to ensure that all paraeducators in Washington receive high quality and consistent professional development through the fundamental course of study, with a significant majority of paraeducators being trained in person.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.413 RCW to read as follows:

(1) By July 1, 2024, the board must update rules on the implementation of the fundamental course of study under RCW 28A.413.060 to require that a significant majority of paraeducators are provided with the course in person. Under the rules, the board may grant an exemption from the in-



person requirement of RCW 28A.413.060 for second-class school districts hiring paraeducators after the beginning of the school year.

(2) By July 1, 2024, the board must publish guidance for school districts on how to provide the fundamental course of study under RCW 28A.413.060 to improve the consistency and quality of staff development.

**Sec. 3.** RCW 28A.413.060 and 2019 c 268 s 3 are each amended to read as follows:

(1) School districts must implement this section only in school years for which state funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(2) (a) School districts must provide a four-day fundamental course of study on the state standards of practice, as defined by the board, to paraeducators who have not completed the course, either in the district or in another district within the state. ~~((At least one day of the fundamental course of study must be provided in person.))~~

(b) School districts must use best efforts to provide the fundamental course of study before the paraeducator begins to work with students and their families, and at a minimum by the following deadlines ~~((provided in subsection (3) of this section.))~~

~~(3) Except as provided in (b) of this subsection, school districts must provide the fundamental course of study required in subsection (2) of this section by the deadlines provided in (a) of this subsection):~~

~~((a)) (i) For paraeducators hired ~~((on or~~) before ~~((September 1st))~~ the beginning of the school year, the first two days of the fundamental course of study must be provided ~~((by September 30th of that year))~~ in person before the beginning of the school year and the second two days of the fundamental course of study must be provided within six months of the date of hire ~~((regardless of the size of the district)); and~~~~

~~((ii) For paraeducators hired after ~~((September 1st))~~ the beginning of the school year:~~

~~(A) For paraeducators hired by first-class districts ~~((with ten thousand or more students)), the first two days of the fundamental course of study must be provided in person within four months of the date of hire and the second two days of the fundamental course of study must be provided within six months of the date of hire or by September 1st of the following year, whichever is sooner; and~~~~

~~(B) For paraeducators hired by second-class districts ~~((with fewer than ten thousand students)), the four-day fundamental course of study must be provided no later than September 1st of the following year, with two of the days provided in person unless the district has applied for and received an exemption under section 2 of this act.~~~~

~~((b) (i) For paraeducators hired for the 2018-19 school year, by September 1, 2020; and~~

~~(ii) For paraeducators not hired for the 2018-19 school year, but hired for the 2019-20 school year, by September 1, 2021.~~

~~(4)) (3) School districts may collaborate with other school districts or educational service districts to meet the requirements of this section."~~

Correct the title.

Representatives Bergquist and Rude spoke in favor of the adoption of the striking amendment.

The striking amendment (051) 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 Donaghy and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1277.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1277, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Klicker, Paul and Wylie

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1204, by Representatives Callan, Eslick, Leavitt, Bateman, Kloba, Reed, Simmons, Doglio, Goodman, Ortiz-Self, McEntire, Davis and Pollet**

**Implementing the family connections program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1204 was substituted for House Bill No. 1204 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1204 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 Callan and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1204.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1204, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Klicker, Paul and Wylie

SECOND SUBSTITUTE HOUSE BILL NO. 1204, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1267, by Representatives Tharinger, Steele and Ramel

##### Concerning rural public facilities sales and use tax.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1267 was substituted for House Bill No. 1267 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1267 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 Tharinger and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1267.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1267, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele,

Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker  
Excused: Representatives Klicker, Paul and Wylie

SUBSTITUTE HOUSE BILL NO. 1267, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1797, by Representatives Cheney, Goodman, Hutchins and Graham

##### Concerning residential real estate appraisers being allowed to complete real property evaluations.

The bill was read the second time.

Representative Reeves moved the adoption of amendment (036):

On page 3, after line 37, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 18.140 RCW to read as follows:

(1) The department shall adopt rules to:

(a) Require, beginning on January 1, 2024, all initial applicants for the state-registered appraiser trainee, state-licensed real estate appraiser, state-certified residential real estate appraiser, or state-certified general real estate appraiser certification to complete a seven-hour qualifying course with an examination on the topics of valuation bias and fair housing laws and regulations as part of the core modules required for registration, licensure, or certification pursuant to rules adopted by the director;

(b) Require, prior to January 1, 2025, all holders of an active or inactive certification, licensure, or registration to complete a seven-hour continuing education course on the topics of valuation bias and fair housing laws and regulations as part of the continuing education requirement pursuant to rules adopted by the director; and

(c) Requiring, beginning January 1, 2026, all holders of an active or inactive certification, licensure, or registration to complete a four-hour continuing education course of the topics of valuation bias and fair housing laws and regulations as part of the continuing education requirement pursuant to rules adopted by the director.

##### NEW SECTION. Sec. 4.

(1) This act takes effect upon the adoption of the administrative rules required in section 3 of this act.

(2) The department must provide written notice of the effective date of this section to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department."

Correct the title.

Representatives Reeves and Cheney spoke in favor of the adoption of the amendment.

Amendment (036) 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 Cheney and Walen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1797.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1797, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Klicker, Paul and Wylie

ENGROSSED HOUSE BILL NO. 1797, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

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

### SECOND READING

**HOUSE BILL NO. 1329, by Representatives Mena, Alvarado, Berry, Duerr, Leavitt, Morgan, Ramel, Ryu, Senn, Simmons, Timmons, Kloba, Bateman, Slatter, Orwall, Reed, Lekanoff, Gregerson, Doglio, Tharinger, Cortes, Donaghy, Pollet, Callan, Fosse, Macri, Davis and Stonier**

**Preventing utility shutoffs for nonpayment during extreme heat.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1329 was substituted for House Bill No. 1329 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1329 was read the second time.

With the consent of the House, amendment (035) was withdrawn.

Representative Mena moved the adoption of the striking amendment (050):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 23.86 RCW to read as follows:

(1) As used in this section, any locally regulated utility as defined in RCW 23.86.400 may not effect, due to lack of payment, an involuntary termination of electric utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

(2)(a) A residential user at whose dwelling electric utility service has been disconnected for lack of payment may request that the locally regulated utility reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The locally regulated utility shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the utility.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the locally regulated utility shall promptly make a reasonable attempt to reconnect service to the dwelling. The locally regulated utility, in connection with a request made pursuant to (a) of this subsection, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If the locally regulated utility requires the residential user to enter into a repayment plan, the repayment plan must comply with subsection (3) of this section.

(3) A repayment plan required by a locally regulated utility pursuant to subsection (2)(b) of this section will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent of the customer's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the customer's monthly income. A customer may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than six percent of the customer's monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the locally regulated utility to reformulate the plan.

(4) On an annual basis, each locally regulated utility with more than 25,000 retail electric customers in Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issued, or announced that it intended to issue, a heat-related alert. Locally regulated utilities with fewer than 25,000 retail

electric customers in Washington must provide similar information upon request by the department.

(a) Subject to availability, each locally regulated utility must provide any other information related to utility disconnections that is requested by the department.

(b) The information required in this subsection must be submitted in a form, timeline, and manner as prescribed by the department.

NEW SECTION. **Sec. 2.** A new section is added to chapter 24.06 RCW to read as follows:

(1) As used in this section, any locally regulated utility as defined in RCW 24.06.600 may not effect, due to lack of payment, an involuntary termination of electric utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

(2)(a) A residential user at whose dwelling electric utility service has been disconnected for lack of payment may request that the locally regulated utility reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The locally regulated utility shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the utility.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the locally regulated utility shall promptly make a reasonable attempt to reconnect service to the dwelling. The locally regulated utility, in connection with a request made pursuant to (a) of this subsection, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If the locally regulated utility requires the residential user to enter into a repayment plan, the repayment plan must comply with subsection (3) of this section.

(3) A repayment plan required by a locally regulated utility pursuant to subsection (2)(b) of this section will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent of the customer's monthly income, and to pay for continued utility service. The plan must not require monthly payments in excess of six percent of the customer's monthly income. A customer may agree to pay a higher percentage during this period, but will not be in default

unless payment during this period is less than six percent of the customer's monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the locally regulated utility to reformulate the plan.

(4) On an annual basis, each locally regulated utility with more than 25,000 retail electric customers in Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issued, or announced that it intended to issue, a heat-related alert. Locally regulated utilities with fewer than 25,000 retail electric customers in Washington must provide similar information upon request by the department.

(a) Subject to availability, each locally regulated utility must provide any other information related to utility disconnections that is requested by the department.

(b) The information required in this subsection must be submitted in a form, timeline, and manner as prescribed by the department.

NEW SECTION. **Sec. 3.** A new section is added to chapter 35.21 RCW to read as follows:

(1) A city or town, including a code city, that owns or operates an electric or water utility may not effect, due to lack of payment, an involuntary termination of utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

(2)(a) A residential user at whose dwelling utility service has been disconnected for lack of payment may request that the utility reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The utility shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the utility.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the utility shall promptly make a reasonable attempt to reconnect service to the dwelling. The utility, in connection with a request made pursuant to (a) of this subsection, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If the utility requires the residential user to enter into a repayment plan, the repayment

plan must comply with subsection (3) of this section.

(3) A repayment plan required by a utility pursuant to subsection (2)(b) of this section will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent of the customer's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the customer's monthly income. A customer may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than six percent of the customer's monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan.

(4) On an annual basis, each city or town, including a code city, that owns or operates an electric or water utility with more than 25,000 retail electric customers or 2,500 water customers in Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issued, or announced that it intended to issue, a heat-related alert. Utilities with fewer than 25,000 retail electric customers or 2,500 water customers in Washington must provide similar information upon request by the department.

(a) Subject to availability, each utility must provide any other information related to utility disconnections that is requested by the department.

(b) The information required in this subsection must be submitted in a form, timeline, and manner as prescribed by the department.

**Sec. 4.** RCW 54.16.285 and 1995 c 399 s 144 are each amended to read as follows:

(1) A district providing utility service for residential space heating shall not terminate such utility service between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill (~~(, including a security deposit)~~). This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by ~~((paying reconnection charges, if any, and))~~ fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior ~~((twelve))~~ 12 months to a grantee of the department of ~~((community, trade, and economic development))~~ commerce which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under

42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if ~~((he or she moves-~~

~~(2))~~ the customer moves.

(2) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program except on the days indicated in subsection (5) of this section. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying ~~((reconnection charges, if any, and by paying))~~ all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(e) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the

utility and fulfills the other requirements of this section.

(3) All districts providing utility service for residential space heating shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(4) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

(5) A district providing electric or water utility service to residential customers may not effect, due to lack of payment, an involuntary termination of utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

(6)(a) A residential user at whose dwelling utility service has been disconnected for lack of payment may request that the district reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The district shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the district.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the district shall promptly make a reasonable attempt to reconnect service to the dwelling. The district, in connection with a request made pursuant to (a) of this subsection, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If the district requires the residential user to enter into a repayment plan, the repayment plan must comply with subsection (7) of this section.

(7) A repayment plan required by a district pursuant to subsection (6)(b) of this section will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent of the customer's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the customer's monthly income. A customer may agree to pay a higher

percentage during this period, but will not be in default unless payment during this period is less than six percent of the customer's monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the district to reformulate the plan.

(8) On an annual basis, each district with more than 25,000 retail electric customers or 2,500 water customers in Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issued, or announced that it intended to issue, a heat-related alert. Districts with fewer than 25,000 retail electric customers or 2,500 water customers in Washington must provide similar information upon request by the department.

(a) Subject to availability, each district must provide any other information related to utility disconnections that is requested by the department.

(b) The information required in this subsection must be submitted in a form, timeline, and manner as prescribed by the department.

**Sec. 5.** RCW 57.08.081 and 2003 c 394 s 6 are each amended to read as follows:

(1) Subject to RCW 57.08.005((+6)) (7), the commissioners of any district shall provide for revenues by fixing rates and charges for furnishing sewer and drainage service and facilities to those to whom service is available or for providing water, such rates and charges to be fixed as deemed necessary by the commissioners, so that uniform charges will be made for the same class of customer or service and facility. Rates and charges may be combined for the furnishing of more than one type of sewer or drainage service and facilities.

(2) In classifying customers of such water, sewer, or drainage system, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost to various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the service and facility furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Rates shall be established as deemed proper by the commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system. Prior to furnishing services, a district may require a deposit to guarantee payment for services. However,

failure to require a deposit does not affect the validity of any lien authorized by this section.

(3) The commissioners shall enforce collection of connection charges, and rates and charges for water supplied against property owners connecting with the system or receiving such water, and for sewer and drainage services charged against property to which and its owners to whom the service is available, such charges being deemed charges against the property served, by addition of penalties of not more than ten percent thereof in case of failure to pay the charges at times fixed by resolution. The commissioners may provide by resolution that where either connection charges or rates and charges for services supplied are delinquent for any specified period of time, the district shall certify the delinquencies to the auditor of the county in which the real property is located, and the charges and any penalties added thereto and interest thereon at the rate of not more than the prime lending rate of the district's bank plus four percentage points per year shall be a lien against the property upon which the service was received, subject only to the lien for general taxes.

(4) The district may, at any time after the connection charges or rates and charges for services supplied or available and penalties are delinquent for a period of ~~((sixty))~~ 60 days, bring suit in foreclosure by civil action in the superior court of the county in which the real property is located. The court may allow, in addition to the costs and disbursements provided by statute, attorneys' fees, title search and report costs, and expenses as it adjudges reasonable. The action shall be in rem, and may be brought in the name of the district against an individual or against all of those who are delinquent in one action. The laws and rules of the court shall control as in other civil actions.

(5) In addition to the right to foreclose provided in this section, the district may also cut off all or part of the service after charges for water or sewer service supplied or available are delinquent for a period of ~~((thirty))~~ 30 days, except on the days indicated in subsection (8) of this section.

(6) A district may determine how to apply partial payments on past due accounts.

(7) A district may provide a real property owner or the owner's designee with duplicate bills for service to tenants, or may notify an owner or the owner's designee that a tenant's service account is delinquent. However, if an owner or the owner's designee notifies the district in writing that a property served by the district is a rental property, asks to be notified of a tenant's delinquency, and has provided, in writing, a complete and accurate mailing address, the district shall notify the owner or the owner's designee of a tenant's delinquency at the same time and in the same manner the district notifies the tenant of the tenant's delinquency or by mail. When a district provides a real property owner or the owner's designee with duplicates of tenant utility service bills or notice that a tenant's utility account is

delinquent, the district shall notify the tenant that it is providing the duplicate bills or delinquency notice to the owner or the owner's designee. After January 1, 1999, if a district fails to notify the owner of a tenant's delinquency after receiving a written request to do so and after receiving the other information required by this subsection (7), the district shall have no lien against the premises for the tenant's delinquent and unpaid charges.

(8) A district providing water utility service to residential customers may not effect, due to lack of payment, an involuntary termination of utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

(9)(a) A residential user at whose dwelling utility service has been disconnected for lack of payment may request that the district reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The district shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the district.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the district shall promptly make a reasonable attempt to reconnect service to the dwelling. The district, in connection with a request made pursuant to (a) of this subsection, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If the district requires the residential user to enter into a repayment plan, the repayment plan must comply with subsection (10) of this section.

(10) A repayment plan required by a district pursuant to subsection (9)(b) of this section will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent of the customer's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the customer's monthly income. A customer may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than six percent of the customer's monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the district to reformulate the plan.

(11) On an annual basis, each district with more than 2,500 water customers in

Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issued, or announced that it intended to issue, a heat-related alert. Districts with fewer than 2,500 water customers in Washington must provide similar information upon request by the department.

(a) Subject to availability, each district must provide any other information related to utility disconnections that is requested by the department.

(b) The information required in this subsection must be submitted in a form, timeline, and manner as prescribed by the department.

**Sec. 6.** RCW 80.28.010 and 2011 c 214 s 11 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company, wastewater company, or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient. Reasonable charges necessary to cover the cost of administering the collection of voluntary donations for the purposes of supporting the development and implementation of evergreen community management plans and ordinances under RCW 80.28.300 must be deemed as prudent and necessary for the operation of a utility.

(2) Every gas company, electrical company, wastewater company, and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company, wastewater company, or water company, affecting or pertaining to the sale or distribution of its product or service, must be just and reasonable.

(4) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill (~~(, including a security deposit)~~). This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by ~~((paying reconnection charges, if any, and))~~ fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of commerce, which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may

verify information provided in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15th and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer is not eligible for protections under this chapter until the past due bill is paid. The plan may not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if ~~((he or she moves.~~

~~(5))~~ the customer moves.

(5) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program except on the days indicated in subsection (8) of this section. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying ~~((reconnection charges, if any, and by paying))~~ all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(e) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.



(6) A payment plan implemented under this section is consistent with RCW 80.28.080.

(7) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(8)(a) Every electrical company and water company must have and must abide by the terms of a tariff approved by the commission that prohibits the electrical company or water company from effecting, due to lack of payment, an involuntary termination of electric or water utility service to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

(b) Nothing in this subsection (8) limits the authority of the commission to prohibit an electrical company or water company from terminating electric or water utility service in accordance with an approved tariff, rule, or order, in circumstances independent of the weather.

(9)(a) A residential user at whose dwelling electric or water utility service has been disconnected for lack of payment may request that the utility reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The utility shall, through a process approved by the commission, inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the utility.

(b) Upon receipt of a request made pursuant to (a) of this subsection, the utility shall promptly make a reasonable attempt to reconnect service to the dwelling. The utility, in connection with a request made pursuant to (a) of this subsection, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If the utility requires the residential user to enter into a repayment plan, the repayment plan must comply with subsection (10) of this section.

(10) A repayment plan required by a utility pursuant to subsection (9)(b) of this section will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if

needed to maintain monthly payments that are no greater than six percent of the customer's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the customer's monthly income. A customer may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than six percent of the customer's monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan.

(11) Every gas company, electrical company, wastewater company, and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product, or provision of its services, as will be efficient and safe to its employees and the public.

((9)) (12) An agreement between the customer and the utility, whether oral or written, does not waive the protections afforded under this chapter.

((10)) (13) In establishing rates or charges for water service, water companies as defined in RCW 80.04.010 may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

(14) On an annual basis, each utility must submit a report to the commission that includes the total number of electric or water disconnections that occurred on each day for which the national weather service issued, or announced that it intended to issue, a heat-related alert.

**Sec. 7.** RCW 87.03.015 and 2017 c 63 s 1 are each amended to read as follows:

(1) Any irrigation district, operating and maintaining an irrigation system, in addition to other powers conferred by law, shall have authority:

((4)) (a) To purchase and sell electric power to the inhabitants of the irrigation district for the purposes of irrigation and domestic use; to finance, acquire, construct, own, and lease dams, canals, plants, transmission lines, and other power equipment and the necessary property and rights therefor and to operate, improve, repair, and maintain the same, for the generation and transmission of electrical energy for use in the operation of pumping plants and irrigation systems of the district and for sale to the inhabitants of the irrigation district for the purposes of irrigation and domestic use; and, as a further and separate grant of authority and in furtherance of a state purpose and policy of developing hydroelectric capability in connection with irrigation facilities, to construct, finance, acquire, own, lease, operate, improve, repair, and maintain, alone or jointly with other irrigation districts, boards of control, municipal or quasi-municipal corporations or cooperatives authorized to engage in the business of distributing electricity, electrical companies subject to the jurisdiction of the utilities and transportation commission,

private commercial or industrial entities that construct or operate electric power generation or transmission facilities, or private commercial or industrial entities that acquire electric power for their own use or resale, hydroelectric facilities including but not limited to dams, canals, plants, transmission lines, other power equipment, and the necessary property and rights therefor, located within or outside the district, for the purpose of utilizing for the generation of electricity, water power made available by and as a part of the irrigation water storage, conveyance, and distribution facilities, waste ways, and drainage water facilities which serve irrigation districts, and to sell any and all the electric energy generated at any such hydroelectric facilities or the irrigation district's share of such energy, to municipal or quasi-municipal corporations or cooperatives authorized to engage in the business of distributing electricity, electrical companies subject to the jurisdiction of the utilities and transportation commission, private commercial or industrial entities that acquire electric power for their own use or resale, or other irrigation districts, and on such terms and conditions as the board of directors shall determine. No contract entered into under this subsection (1)(a) by the board of directors of any irrigation district for the sale of electrical energy from such hydroelectric facility for a period longer than forty years from the date of commercial operation of such hydroelectric facility shall be binding on the district until ratified by a majority vote of the electors of the district at an election therein, called, held, and canvassed for that purpose in the same manner as that provided by law for district bond elections.

((2)) (b) To construct, repair, purchase, maintain, or lease a system for the sale or lease of water to the owners of irrigated lands within the district for domestic purposes.

((3)) (c) To construct, repair, purchase, lease, acquire, operate and maintain a system of drains, sanitary sewers, and sewage disposal or treatment plants as herein provided.

((4)) (d) To assume, as principal or guarantor, any indebtedness to the United States under the federal reclamation laws, on account of district lands.

((5)) (e) To maintain, repair, construct, and reconstruct ditches, laterals, pipe lines, and other water conduits used or to be used in carrying water for irrigation of lands located within the boundaries of a city or town, or for the domestic use of the residents of a city or town where the owners of land within such city or town shall use such works to carry water to the boundaries of such city or town for irrigation, domestic, or other purposes within such city or town, and to charge to such city or town the pro rata proportion of the cost of such maintenance, repair, construction, and reconstruction work in proportion to the benefits received by the lands served and located within the boundaries of such city or town, and if such

cost is not paid, then and in that event said irrigation district shall have the right to prevent further water deliveries through such works to the lands located within the boundaries of such city or town until such charges have been paid.

((6)) (f) To acquire, install, and maintain as a part of the irrigation district's water system the necessary water mains and fire hydrants to make water available for firefighting purposes; and in addition any such irrigation district shall have the authority to repair, operate, and maintain such hydrants and mains.

((7)) (g) To enter into contracts with other irrigation districts, boards of control, municipal or quasi-municipal corporations or cooperatives authorized to engage in the business of distributing electricity, electrical companies subject to the jurisdiction of the utilities and transportation commission, private commercial or industrial entities that construct or operate electric power generation or transmission facilities, or private commercial or industrial entities that acquire electric power for their own use or resale, to jointly finance, acquire, lease, construct, own, operate, improve, repair, and maintain irrigation water, domestic water, drainage and sewerage works, and electrical power works to the same extent as authorized by (a) of this subsection (~~((1) of this section)~~), or portions of such works. If an irrigation district enters into a contract or agreement under this subsection (1)(g) to create a legal entity or undertaking with an investor-owned utility or a private commercial or industrial entity, that contract or agreement must provide that the irrigation district be severally liable only for its own acts and not jointly or severally liable for the acts, omissions, or obligations of an investor-owned utility or a private commercial or industrial entity. No money or property supplied by any irrigation district for the planning, financing, acquisition, construction, operation, or maintenance of any common facility may be credited or otherwise applied to the account of any investor-owned utility or private commercial or industrial entity therein, nor may the undivided share of any irrigation district in any common facility be charged, directly or indirectly, with any debt or obligation of any investor-owned utility or private commercial or industrial entity or be subject to any lien as a result thereof. No action in connection with a common facility may be binding upon any irrigation district unless authorized or approved by resolution of its board.

((8)) (h) To acquire from a water-sewer district wholly within the irrigation district's boundaries, by a conveyance without cost, the water-sewer district's water system and to operate the same to provide water for the domestic use of the irrigation district residents. As a part of its acceptance of the conveyance the irrigation district must agree to relieve the water-sewer district of responsibility for maintenance and repair of the system. Any such water-sewer district is authorized to make such a conveyance if all

indebtedness of the water-sewer district, except local improvement district bonds, has been paid and the conveyance has been approved by a majority of the water-sewer district's voters voting at a general or special election.

~~((9))~~(i) To approve and condition placement of hydroelectric generation facilities by entities other than the district on water conveyance facilities operated or maintained by the district.

(2) An irrigation district providing electric or water utility service to residential customers may not effect, due to lack of payment, an involuntary termination of utility service to any residential users, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located.

(a)(i) A residential user at whose dwelling electric or water utility service has been disconnected for lack of payment may request that the irrigation district reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The irrigation district shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the irrigation district.

(ii) Upon receipt of a request made pursuant to (a)(i) of this subsection, the irrigation district shall promptly make a reasonable attempt to reconnect service to the dwelling. The irrigation district, in connection with a request made pursuant to (a)(i) of this subsection, may require the residential user to enter into a payment plan prior to reconnecting service to the dwelling. If the irrigation district requires the residential user to enter into a repayment plan, the repayment plan must comply with (b) of this subsection.

(b) A repayment plan required by an irrigation district pursuant to (a)(ii) of this subsection will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent of the customer's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the customer's monthly income. A customer may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than six percent of the customer's monthly income. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the irrigation district to reformulate the plan.

(c) On an annual basis, each irrigation district with more than 25,000 retail electric customers or 2,500 water customers in Washington must submit a report to the department of commerce that includes the total number of disconnections that occurred on each day for which the national weather service issued, or announced that it intended to issue, a heat-related alert. Irrigation districts with fewer than 25,000 retail electric customers or 2,500 water customers in Washington must provide similar information upon request by the department.

(i) Subject to availability, each irrigation district must provide any other information related to utility disconnections that is requested by the department.

(ii) The information required in this subsection (2)(c) must be submitted in a form, timeline, and manner as prescribed by the department.

(3) This section shall not be construed as in any manner abridging any other powers of an irrigation district conferred by law.

**Sec. 8.** RCW 59.18.060 and 2013 c 35 s 1 are each amended to read as follows:

The landlord will at all times during the tenancy keep the premises fit for human habitation, and shall in particular:

(1) Maintain the premises to substantially comply with any applicable code, statute, ordinance, or regulation governing their maintenance or operation, which the legislative body enacting the applicable code, statute, ordinance or regulation could enforce as to the premises rented if such condition endangers or impairs the health or safety of the tenant;

(2) Maintain the structural components including, but not limited to, the roofs, floors, walls, chimneys, fireplaces, foundations, and all other structural components, in reasonably good repair so as to be usable;

(3) Keep any shared or common areas reasonably clean, sanitary, and safe from defects increasing the hazards of fire or accident;

(4) Provide a reasonable program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and, except in the case of a single-family residence, control infestation during tenancy except where such infestation is caused by the tenant;

(5) Except where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premises in as good condition as it by law or rental agreement should have been, at the commencement of the tenancy;

(6) Provide reasonably adequate locks and furnish keys to the tenant;

(7) Maintain and safeguard with reasonable care any master key or duplicate keys to the dwelling unit;

(8) Maintain all electrical, plumbing, heating, and other facilities and appliances supplied by him or her in reasonably good working order;

(9) Maintain the dwelling unit in reasonably weathertight condition;

(10) Except in the case of a single-family residence, provide and maintain appropriate receptacles in common areas for the removal of ashes, rubbish, and garbage, incidental to the occupancy and arrange for the reasonable and regular removal of such waste;

(11) Provide facilities adequate to supply heat and water and hot water as reasonably required by the tenant;

(a) The landlord may not effect an involuntary termination of electric utility or water service due to lack of payment to any tenant on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the tenant's address is located.

(b)(i) A tenant at whose dwelling electric or water utility service has been disconnected for lack of payment may request that the landlord reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the tenant's address is located. The landlord shall inform all tenants in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the landlord.

(ii) Upon receipt of a request made pursuant to (b)(i) of this subsection, the landlord shall promptly make a reasonable attempt to reconnect service to the dwelling. The landlord, in connection with a request made pursuant to (b)(i) of this subsection, may require the tenant to enter into a payment plan prior to reconnecting service to the dwelling. If the landlord requires the tenant to enter into a repayment plan, the repayment plan must comply with (c) of this subsection.

(c) A repayment plan required by a landlord pursuant to (b)(i) of this subsection will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent of the tenant's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the tenant's monthly income. A tenant may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than six percent of the tenant's monthly income. If assistance payments are received by the tenant subsequent to implementation of the plan, the tenant shall contact the landlord to reformulate the plan.

(12)(a) Provide a written notice to all tenants disclosing fire safety and protection information. The landlord or his or her authorized agent must provide a written notice to the tenant that the dwelling unit is equipped with a smoke detection device as required in RCW 43.44.110. The notice shall inform the tenant of the tenant's responsibility to

maintain the smoke detection device in proper operating condition and of penalties for failure to comply with the provisions of RCW 43.44.110(3). The notice must be signed by the landlord or the landlord's authorized agent and tenant with copies provided to both parties. Further, except with respect to a single-family residence, the written notice must also disclose the following:

(i) Whether the smoke detection device is hard-wired or battery operated;

(ii) Whether the building has a fire sprinkler system;

(iii) Whether the building has a fire alarm system;

(iv) Whether the building has a smoking policy, and what that policy is;

(v) Whether the building has an emergency notification plan for the occupants and, if so, provide a copy to the occupants;

(vi) Whether the building has an emergency relocation plan for the occupants and, if so, provide a copy to the occupants; and

(vii) Whether the building has an emergency evacuation plan for the occupants and, if so, provide a copy to the occupants.

(b) The information required under this subsection may be provided to a tenant in a multifamily residential building either as a written notice or as a checklist that discloses whether the building has fire safety and protection devices and systems. The checklist shall include a diagram showing the emergency evacuation routes for the occupants.

(c) The written notice or checklist must be provided to new tenants at the time the lease or rental agreement is signed;

(13) Provide tenants with information provided or approved by the department of health about the health hazards associated with exposure to indoor mold. Information may be provided in written format individually to each tenant, or may be posted in a visible, public location at the dwelling unit property. The information must detail how tenants can control mold growth in their dwelling units to minimize the health risks associated with indoor mold. Landlords may obtain the information from the department's website or, if requested by the landlord, the department must mail the information to the landlord in a printed format. When developing or changing the information, the department of health must include representatives of landlords in the development process. The information must be provided by the landlord to new tenants at the time the lease or rental agreement is signed;

(14) The landlord and his or her agents and employees are immune from civil liability for failure to comply with subsection (13) of this section except where the landlord and his or her agents and employees knowingly and intentionally do not comply with subsection (13) of this section; and

(15) Designate to the tenant the name and address of the person who is the landlord by a statement on the rental agreement or by a notice conspicuously posted on the premises. The tenant shall be notified immediately of any changes in writing, which must be either (a) delivered personally to the tenant or

(b) mailed to the tenant and conspicuously posted on the premises. If the person designated in this section does not reside in the state where the premises are located, there shall also be designated a person who resides in the county who is authorized to act as an agent for the purposes of service of notices and process, and if no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered such agent. Regardless of such designation, any owner who resides outside the state and who violates a provision of this chapter is deemed to have submitted himself or herself to the jurisdiction of the courts of this state and personal service of any process may be made on the owner outside the state with the same force and effect as personal service within the state. Any summons or process served out-of-state must contain the same information and be served in the same manner as personal service of summons or process served within the state, except the summons or process must require the party to appear and answer within ~~((sixty))~~ 60 days after such personal service out of the state. In an action for a violation of this chapter that is filed under chapter 12.40 RCW, service of the notice of claim outside the state must contain the same information and be served in the same manner as required under chapter 12.40 RCW, except the date on which the party is required to appear must not be less than ~~((sixty))~~ 60 days from the date of service of the notice of claim.

No duty shall devolve upon the landlord to repair a defective condition under this section, nor shall any defense or remedy be available to the tenant under this chapter, where the defective condition complained of was caused by the conduct of such tenant, his or her family, invitee, or other person acting under his or her control, or where a tenant unreasonably fails to allow the landlord access to the property for purposes of repair. When the duty imposed by subsection (1) of this section is incompatible with and greater than the duty imposed by any other provisions of this section, the landlord's duty shall be determined pursuant to subsection (1) of this section.

**Sec. 9.** RCW 59.20.070 and 2019 c 342 s 4 are each amended to read as follows:

A landlord shall not:

(1) Deny any tenant the right to sell such tenant's mobile home, manufactured home, or park model within a park, or prohibit, in any manner, any tenant from posting on the tenant's manufactured/mobile home or park model, or on the rented mobile home lot, a commercially reasonable "for sale" sign or any similar sign designed to advertise the sale of the manufactured/mobile home or park model. In addition, a landlord shall not require the removal of the mobile home, manufactured home, or park model from the park because of the sale thereof. Requirements for the transfer of the rental agreement are in RCW 59.20.073. Nothing in this subsection prohibits a landlord from enforcing reasonable rules or restrictions regarding the placement of "for

sale" signs on the tenant's manufactured/mobile home or park model, or on the rented mobile home lot, if (a) the main purpose of the rules or restrictions is to protect the safety of park tenants or residents and (b) the rules or restrictions comply with RCW 59.20.045. The landlord may restrict the number of "for sale" signs on the lot to two and may restrict the size of the signs to conform to those in common use by home sale businesses;

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements on a mobile home space: PROVIDED, That door-to-door solicitation in the mobile home park may be restricted in the rental agreement. Door-to-door solicitation does not include public officials, housing and low-income assistance organizations, or candidates for public office meeting or distributing information to tenants in accordance with subsection (3) or (4) of this section;

(3) Prohibit the distribution of information or meetings by tenants of the mobile home park to discuss mobile home living and affairs, including political caucuses or forums for or speeches of public officials or candidates for public office, meetings with housing and low-income assistance organizations, or meetings of organizations that represent the interest of tenants in the park, held in a tenant's home or any of the park community or recreation halls if these halls are open for the use of the tenants, conducted at reasonable times and in an orderly manner on the premises, nor penalize any tenant for participation in such activities;

(4) Prohibit a public official, housing and low-income assistance organization, or candidate for public office from meeting with or distributing information to tenants in their individual mobile homes, manufactured homes, or park models, nor penalize any tenant for participating in these meetings or receiving this information;

(5) Evict a tenant, terminate a rental agreement, decline to renew a rental agreement, increase rental or other tenant obligations, decrease services, or modify park rules in retaliation for any of the following actions on the part of a tenant taken in good faith:

(a) Filing a complaint with any federal, state, county, or municipal governmental authority relating to any alleged violation by the landlord of an applicable statute, regulation, or ordinance;

(b) Requesting the landlord to comply with the provision of this chapter or other applicable statute, regulation, or ordinance of the state, county, or municipality;

(c) Filing suit against the landlord for any reason;

(d) Participation or membership in any homeowners association or group;

(6) Charge to any tenant a utility fee in excess of actual utility costs or intentionally cause termination or interruption of any tenant's utility services, including water, heat, electricity, or gas, except when an

interruption of a reasonable duration is required to make necessary repairs;

(7)(a) Effect an involuntary termination of electric utility or water service due to lack of payment to any tenant on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the tenant's address is located.

(b)(i) A tenant at whose dwelling electric or water utility service has been disconnected for lack of payment may request that the landlord reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the tenant's address is located. The landlord shall inform all tenants in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the landlord.

(ii) Upon receipt of a request made pursuant to (b)(i) of this subsection, the landlord shall promptly make a reasonable attempt to reconnect service to the dwelling. The landlord, in connection with a request made pursuant to (b)(i) of this subsection, may require the tenant to enter into a payment plan prior to reconnecting service to the dwelling. If the landlord requires the tenant to enter into a repayment plan, the repayment plan must comply with (c) of this subsection.

(c) A repayment plan required by a landlord pursuant to (b)(ii) of this subsection will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent of the tenant's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the tenant's monthly income. A tenant may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than six percent of the tenant's monthly income. If assistance payments are received by the tenant subsequent to implementation of the plan, the tenant shall contact the landlord to reformulate the plan.

(8) Remove or exclude a tenant from the premises unless this chapter is complied with or the exclusion or removal is under an appropriate court order; or

((+8+)) (9) Prevent the entry or require the removal of a mobile home, manufactured home, or park model for the sole reason that the mobile home has reached a certain age. Nothing in this subsection shall limit a landlord's right to exclude or expel a mobile home, manufactured home, or park model for any other reason, including but not limited to, failure to comply with fire, safety, and other provisions of local ordinances and state laws relating to mobile homes, manufactured homes, and park models, as long as the action conforms to this

chapter or any other relevant statutory provision."

Correct the title.

Representatives Mena and Dye spoke in favor of the adoption of the striking amendment.

The striking amendment (050) 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 Mena and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1329.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1329, and the bill passed the House by the following vote: Yeas, 64; Nays, 31; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Hutchins, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Eslick, Goehner, Graham, Griffey, Jacobsen, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh and Wilcox

Excused: Representatives Klicker, Paul and Wylie

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Morgan congratulated Representative Mena on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

### SECOND READING

**HOUSE BILL NO. 1460, by Representatives Hackney, Waters, Simmons, Kloba, Pollet, Davis and Macri**

**Concerning the department of natural resources land transactions, revenue distributions, and creation and management of a trust land transfer program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1460 was substituted for House Bill No. 1460 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1460 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 Hackney and Waters spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1460.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1460, and the bill passed the House by the following vote: Yeas, 82; Nays, 13; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Hackney, Hansen, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox and Mme. Speaker

Voting Nay: Representatives Abbarno, Chambers, Chandler, Corry, Couture, Eslick, Griffey, Jacobsen, Low, McEntire, Orcutt, Walsh and Ybarra

Excused: Representatives Klicker, Paul and Wylie

SUBSTITUTE HOUSE BILL NO. 1460, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1536, by Representatives Timmons, Harris, Bergquist, Ortiz-Self, Walen, Ramel, Morgan, Stonier, Gregerson, Ormsby and Paul**

**Clarifying requirements governing the withholding of high school diplomas.**

The bill was read the second time.

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

Representatives Timmons and McEntire spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1536.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1536, and the bill passed the House by the following vote: Yeas, 74; Nays, 21; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox and Mme. Speaker

Voting Nay: Representatives Abbarno, Caldier, Christian, Corry, Couture, Dent, Eslick, Graham, Griffey, McClintock, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz and Ybarra

Excused: Representatives Klicker, Paul and Wylie

HOUSE BILL NO. 1536, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1696, by Representatives Davis, Mosbrucker, Orwall, Griffey, Duerr, Reed, Leavitt, Barnard, Walen, Eslick, Ramel and Pollet**

#### Concerning stalking-related offenses.

The bill was read the second time.

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

Representatives Davis, Mosbrucker and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1696.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1696, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Klicker, Paul and Wylie

HOUSE BILL NO. 1696, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1173, by Representatives Connors, Klicker and Rude**

**Reducing light pollution associated with certain energy infrastructure.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1173 was substituted for House Bill No. 1173 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1173 was read the second time.

Representative Connors moved the adoption of the striking amendment (014):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this

chapter unless the context clearly requires otherwise.

(1) "Aircraft detection lighting system" means a sensor-based system that:

(a) Is designed to detect approaching aircraft;

(b) Automatically activates appropriate obstruction lights until the lights are no longer needed by the aircraft; and

(c) The federal aviation administration has approved as meeting the requirements set forth in chapter 10 of the federal aviation administration's 2020 advisory circular AC 70/7460-1M, "Obstruction marking and lighting."

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

(3) "Hub height" means the distance from the ground to the middle of a wind turbine's rotor.

(4) "Utility-scale wind energy facility" means a facility used in the generation of electricity by means of turbines or other devices that capture and employ the kinetic energy of the wind and:

(a) Is required under federal aviation administration regulations, guidelines, circulars, or standards, as they existed as of January 1, 2023, to have obstruction lights; or

(b) Has at least one obstruction light and at least one wind turbine with a hub height of at least 75 feet above ground level.

**NEW SECTION. Sec. 2.** (1) Except as provided in subsection (2) of this section, an owner or operator of a utility-scale wind energy facility must operate with an aircraft detection lighting system to mitigate light pollution from the facility.

(2) The owner or operator of a utility-scale wind energy facility that is precluded from using an aircraft detection lighting system as a consequence of any requirement of federal law must mitigate light pollution from the facility through alternative means demonstrated to the department to be the best practicable light mitigation option for the facility.

(3)(a) The requirements of this section apply beginning January 1, 2027, to utility-scale wind energy facilities that have received site certification under chapter 80.50 RCW or all applicable land use, environmental, and building permits from state agencies and local governments prior to the effective date of this section.

(b) The requirements of this section apply, beginning on the effective date of this section, upon the completion of construction of a facility to all utility-scale wind energy facilities not specified in (a) of this subsection.

(4) Nothing in this section requires mitigation of light pollution to be carried out in a manner that conflicts with federal requirements, including requirements of the federal aviation administration.

**NEW SECTION. Sec. 3.** (1) A violation of the requirements of this chapter is punishable by a civil penalty of up to \$5,000 per day per violation. Penalties are

appealable to the pollution control hearings board.

(2)(a) The department may enforce the requirements of this chapter.

(b) Enforcement of this chapter by the department must rely on notification and information exchange between the department and utility-scale wind energy facility owners or operators. The department must prepare and distribute information regarding this chapter to utility-scale wind energy facility owners and operators to help facility owners and operators in their advance planning to meet the deadlines.

(c)(i) If the department obtains information that a facility is not in compliance with the requirements of this chapter, the department may issue a notification letter by certified mail to the facility owner or operator and offer information or other appropriate assistance regarding compliance with this chapter. If compliance is not achieved within 60 days of the issuance of a notification letter under this subsection, the department may assess penalties under this section.

(ii) The department may delay any combination of the issuance of a notification letter under this subsection (2)(c), the 60-day period in which compliance with the requirements of this chapter must be achieved, or the imposition of penalties for good cause shown due to:

(A) Supply chain constraints, including lack of aircraft detection lighting system availability;

(B) Lack of contractor availability;

(C) Lighting system permitting delays; or

(D) Technological feasibility considerations.

(d) A utility-scale wind energy facility owner or operator specified in section 2(3)(a) of this act that applies for the approval of an aircraft detection lighting system to the federal aviation administration prior to January 1, 2026, but that has not received a determination to approve the aircraft detection lighting system by the federal aviation administration as of July 1, 2026, may not be assessed a penalty under this chapter until at least six months after the federal aviation administration issues its determination on the application of the utility-scale wind energy facility's proposed aircraft detection lighting system.

(3) The department may adopt by rule a light mitigation standard that references a more recent version of any federal aviation regulation, guideline, circular, or standard referenced in section 1 of this act in order to maintain consistency between this chapter and federal aviation administration requirements.

**Sec. 4.** RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural



resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 3 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.21C RCW to read as follows:

(1) Actions to mitigate light pollution at a utility-scale wind energy facility that has received site certification under chapter 80.50 RCW or all applicable land use, environmental, and building permits from state agencies and local governments prior to the effective date of this section, as required under section 2 of this act, are categorically exempt from the requirements of this chapter.

(2) For the purposes of this section, "utility-scale wind energy facility" has the same meaning as defined in section 1 of this act.

**NEW SECTION. Sec. 6.** Sections 1 through 3 of this act constitute a new chapter in Title 70A RCW.

**NEW SECTION. Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 8.** 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.

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

The striking amendment (014) 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, Doglio and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1173.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1173, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Voting Nay: Representative Kloba

Excused: Representatives Klicker, Paul and Wylie

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1173, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1753, by Representatives Bronoske, Leavitt and Reed**

**Changing certain notice provisions in the derelict vessel removal program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1753 was substituted for House Bill No. 1753 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1753 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 Bronoske and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1753.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1753, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Klicker, Paul and Wylie

SUBSTITUTE HOUSE BILL NO. 1753, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1784, by Representatives Gregerson, Ormsby, Duerr, Alvarado, Berry, Ryu, Bergquist, Peterson, Berg, Chapman, Mena, Lekanoff, Senn, Thai, Leavitt, Santos, Callan, Macri, Fosse, Riccelli, Doglio, Kloba, Timmons, Ramel, Bateman and Pollet**

**Concerning hunger relief.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1784 was substituted for House Bill No. 1784 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1784 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 Gregerson, Stokesbary, Eslick and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1784.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1784, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Excused: Representatives Klicker, Paul and Wylie

SUBSTITUTE HOUSE BILL NO. 1784, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1051, by Representatives Leavitt, Walen, Simmons, Ryu, Goodman, Fitzgibbon, Pollet, Doglio, Orwall, Macri, Timmons, Wylie, Bronoske, Ramos, Thai and Kloba**

**Concerning robocalling and telephone scams.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1051 was substituted for House Bill No. 1051 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1051 was read the second time.

Representative Leavitt moved the adoption of the striking amendment (029):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that robocalls are increasingly used by entities to mislead and deceive Washington residents and induce them into providing personal information to wrongfully obtain something of value. It is the intent of the legislature to expand the scope of existing provisions in RCW 80.36.390, 80.36.400, and 19.158.020 regulating robocalls and telephone solicitations to prohibit abusive telephone communications that mislead or harm Washington residents.

(2) The legislature further finds that the most effective way to prevent illegal robocalling is to ensure that those calls never originate or enter the telephone network. Therefore, it is further the intent of the legislature to extend liability to those persons who provide substantial assistance or support in the origination and transmission of robocalls that violate RCW 80.36.400.

(3) It is also the intent of the legislature to:

(a) Include a provision in RCW 80.36.390 to prohibit the initiation of unwanted telephone calls to Washington telephone numbers on the do not call registry maintained by the federal government pursuant to the telemarketing sales rule, 16 C.F.R. Part 310, and related regulations; and

(b) Combat fraudulent or misleading caller identification.

**Sec. 2.** RCW 80.36.400 and 1986 c 281 s 2 are each amended to read as follows:

(1) ~~((As used in this section:))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) ~~((An automatic))~~ "Automatic dialing and announcing device" is a ((device)) system which automatically dials telephone numbers and ((plays)) transmits a recorded or artificial voice message once a connection is made. A recorded or artificial message is transmitted even if the recorded or artificial message goes directly to a recipient's voicemail.

(b) "Commercial solicitation" means the unsolicited initiation of a telephone ((conversation)) communication made for the purpose of encouraging a person to purchase property, goods, or services, or wrongfully obtaining anything of value.

(c) (i) "Assist in the transmission" means actions taken to provide substantial assistance or support, which enables any person to formulate, originate, initiate, or transmit a commercial solicitation when the person providing the assistance knows or consciously avoids knowing that the initiator of the commercial solicitation is engaged, or intends to engage, in any practice that violates chapter 19.86 RCW, the consumer protection act.

(ii) "Assist in the transmission" does not include any of the following:

(A) Activities of an entity relating to the design, manufacture, or distribution of any technology, product, or component that has a commercially significant use other than to violate or circumvent this section;

(B) Activities of a telecommunications provider or other entity that are limited to providing access to the internet for purposes excluding initiation of a telephone communication; or

(C) Activities of a terminating provider relating to the transmission of a telephone communication.

(d) "Terminating provider" means a telecommunications provider that provides voice services to an end user customer.

(2) No person may use an automatic dialing and announcing device for purposes of commercial solicitation. This section applies to all commercial solicitation intended to be received by telephone customers within the state.

~~(3) ((A violation of this section is a violation of chapter 19.86 RCW. It shall be presumed that damages to the recipient of commercial solicitations made using an automatic dialing and announcing device are five hundred dollars.~~

~~(4))~~ No person may assist in the transmission of a commercial solicitation described in subsection (2) of this section. In any action arising out of a violation of this subsection, it shall be an affirmative defense that a telecommunications provider both:

(a) Acted in compliance with 47 U.S.C. Sec. 227, 16 C.F.R. Part 310, and related regulations; and

(b) Implemented a reasonably effective plan to mitigate origination, initiation, or transmission of a commercial solicitation described in subsection (2) of this section.

(4) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW. In addition to all remedies available in chapter 19.86 RCW, a person who is injured under this section may bring a civil action in the superior court

to enjoin further violations and shall recover actual damages or \$1,000 per violation of this section, whichever is greater.

(5) Nothing in this section shall be construed to prevent the Washington utilities and transportation commission from adopting additional rules regulating automatic dialing and announcing devices.

**Sec. 3.** RCW 80.36.390 and 2022 c 195 s 1 are each amended to read as follows:

(1)(a) As used in this section, "telephone solicitation" means the unsolicited initiation of a telephone call by a commercial or nonprofit company or organization to a person ~~(and conversation)~~ for the purpose of encouraging the person to purchase property, goods, or services, wrongfully obtaining anything of value, or soliciting donations of money, property, goods, or services.

(b) "Telephone solicitation" does not include:

~~((a))~~(i) Calls made in response to a request or inquiry by the called party. This includes calls regarding an item that has been purchased by the called party from the company or organization during a period not longer than ~~((twelve))~~ 12 months prior to the telephone contact;

~~((b))~~(ii) Calls made by a not-for-profit organization, as defined by 26 U.S.C. Sec. 501 of the federal internal revenue code, to its own list of bona fide or active members of the organization;

~~((e))~~(iii) Calls made by a membership or labor organization to its own list of bona fide or active members of the organization;

(iv) Calls limited to polling or soliciting the expression of ideas, opinions, or votes; or

~~((d))~~(v) Business-to-business contacts.

(c) "Telephone call" means any communication made through a telephone that uses a live person, artificial voice, or recorded message.

(2)(a) For purposes of this section, each individual real estate agent or insurance agent who maintains a separate list from other individual real estate or insurance agents shall be treated as a company or organization.

(b) For purposes of this section, an organization as defined in RCW 29A.04.086 or 29A.04.097 and organized pursuant to chapter 29A.80 RCW shall not be considered a commercial or nonprofit company or organization.

~~((2))~~(3) A person making a telephone solicitation must identify him or herself and the company or organization on whose behalf the solicitation is being made and the purpose of the call within the first 30 seconds of the telephone call.

~~((3))~~(4) As used in this section, "telephone solicitor" means a commercial or nonprofit company or organization engaged in telephone solicitation.

~~((4))~~(5) If the telephone solicitor is requesting a donation or gift of money, the telephone solicitor must ask the called party whether they want to continue the

call, end the call, or be removed from the solicitor's telephone lists.

~~((5))~~(6) If, at any time during the telephone contact, the called party states or indicates they want to end the call, the telephone solicitor must end the call within 10 seconds.

~~((6))~~(7) If, at any time during the telephone contact, the called party states or indicates that he or she does not want to be called again by the telephone solicitor or wants to have his or her name, individual telephone number, or other contact information removed from the telephone lists used by the telephone solicitor:

(a) The telephone solicitor shall inform the called party that his or her contact information will be removed from the telephone solicitor's telephone lists for at least one year;

(b) The telephone solicitor shall end the call within 10 seconds;

(c) The telephone solicitor shall not make any additional telephone solicitation of the called party at any telephone number ~~((associated with that party within))~~ that the called party has requested be removed from the solicitor's telephone lists for a period of at least one year; and

(d) The telephone solicitor shall not sell or give the called party's name, telephone number, and other contact information to another company or organization: PROVIDED, That the telephone solicitor may return the list, including the called party's name, telephone number, and other contact information to the company or organization from which it received the list.

~~((7))~~(8) A telephone solicitor shall not place calls to any person which will be received before 8:00 a.m. or after 8:00 p.m. at the call recipient's local time.

~~((8))~~(9) No person may initiate, or cause to be initiated, a telephone solicitation to a telephone number registered on the do not call registry maintained by the federal government pursuant to telephone consumer protection act, 47 U.S.C. Sec. 227 and related regulations, as currently enacted or subsequently amended. This subsection applies to all telephone solicitation intended to be received by telephone customers within the state.

(10) It is unlawful for a person to initiate, or cause to be initiated, a telephone solicitation that violates 47 U.S.C. Sec. 227(e)(1), as currently written or as subsequently amended or interpreted by the federal government. This subsection applies to all telephone solicitation intended to be received by telephone customers within the state.

(11) A violation of subsection ~~((2))~~(3), (4), (5), (6), ~~((e))~~(7), (8), (9), or (10) of this section is punishable by a fine of up to ~~((one thousand dollars))~~ \$1,000 for each violation.

~~((9))~~(12) The attorney general may bring actions to enforce compliance with this section. ~~((For the first violation by any telephone solicitor of this section, the attorney general shall notify the telephone solicitor with a letter of warning that the section has been violated.))~~ The legislature

finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

~~((10))~~ (13) A person aggrieved by repeated violations of this section may bring a civil action in superior court to enjoin future violations, to recover damages, or both. The court shall award damages of at least ~~((one hundred dollars))~~ \$1,000 for each individual violation of this section. If the aggrieved person prevails in a civil action under this subsection, the court shall award the aggrieved person reasonable attorneys' fees and cost of the suit.

~~((11))~~ (14) The utilities and transportation commission shall by rule ensure that telecommunications companies inform their residential customers of the provisions of this section. The notification may be made by (a) annual ~~((inserts))~~ notice in the billing statements ~~((mailed))~~ sent to residential customers, or (b) conspicuous publication of the notice in the consumer information pages of local telephone directories.

**Sec. 4.** RCW 19.158.020 and 2003 c 39 s 12 are each amended to read as follows:

~~((Unless the context requires otherwise, the))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) A "commercial telephone solicitor" is any person who engages in commercial telephone solicitation, including service bureaus.

(2) "Commercial telephone solicitation" means:

(a) An unsolicited telephone call ~~((to a person initiated by a salesperson and conversation for the purpose of inducing the person to purchase or invest in property, goods, or services)),~~ initiated by one other than a person described under subsection (3) (a) through (k) of this section, for the purpose of encouraging a person to purchase or invest in property, goods, or services, or wrongfully obtaining anything of value;

(b) Other communication with a person where:

(i) A free gift, award, or prize is offered to a purchaser who has not previously purchased from the person initiating the communication; and

(ii) A telephone call response is invited; and

(iii) The ~~((salesperson))~~ caller intends to complete a sale or enter into an agreement to purchase during the course of the telephone call;

(c) Other communication with a person which misrepresents the price, quality, or availability of property, goods, or services and which invites a response by telephone or which is followed by a call to the person ~~((by a salesperson));~~

(d) For purposes of this section, "other communication" means a written or oral notification or advertisement transmitted through any means.

(3) A "commercial telephone solicitor" does not include any of the following:

(a) A person engaging in commercial telephone solicitation where ~~((-~~

~~(i) The))~~ the solicitation is an isolated transaction and not done in the course of a pattern of repeated transactions of like nature; ~~((or~~

~~(ii) Less than sixty percent of such person's prior year's sales were made as a result of a commercial telephone solicitation as defined in this chapter. Where more than sixty percent of a seller's prior year's sales were made as a result of commercial telephone solicitations, the service bureau contracting to provide commercial telephone solicitation services to the seller shall be deemed a commercial telephone solicitor;))~~

(b) A person making calls for religious, charitable, political, or other noncommercial purposes;

(c) A person soliciting business solely from purchasers who have previously purchased from the business enterprise for which the person is calling;

(d) A person soliciting:

(i) Without the intent to complete or obtain provisional acceptance of a sale during the telephone solicitation; and

(ii) Who does not make the major sales presentation during the telephone solicitation; and

(iii) Who only makes the major sales presentation or arranges for the major sales presentation to be made at a later face-to-face meeting between the salesperson and the purchaser;

(e) A person selling a security which is exempt from registration under RCW 21.20.310;

(f) A person licensed under RCW ~~((18.85.090))~~ 18.85.101 when the solicited transaction is governed by that law;

(g) A person registered under RCW 18.27.060 when the solicited transaction is governed by that law;

(h) A person licensed under chapter 48.17 RCW ~~((48.17-150))~~ when the solicited transaction is governed by that law;

(i) Any person soliciting the sale of a franchise who is registered under RCW 19.100.140;

(j) A person primarily soliciting the sale of a newspaper of general circulation, a magazine or periodical, or contractual plans, including book or record clubs: (i) Under which the seller provides the consumer with a form which the consumer may use to instruct the seller not to ship the offered merchandise; and (ii) which is regulated by the federal trade commission trade regulation concerning "use of negative option plans by sellers in commerce";

(k) Any supervised financial institution or parent, subsidiary, or affiliate thereof. As used in this section, "supervised financial institution" means any commercial bank, trust company, savings and loan association, mutual savings banks, credit union, industrial loan company, personal property broker, consumer finance lender,

commercial finance lender, or insurer, provided that the institution is subject to supervision by an official or agency of this state or the United States;

(l) A person soliciting the sale of a prearrangement funeral service contract registered under RCW 18.39.240 and 18.39.260;

(m) A person licensed to enter into prearrangement contracts under RCW 68.05.155 when acting subject to that license;

(n) A person soliciting the sale of services provided by a cable television system operating under authority of a franchise or permit;

(o) A person or affiliate of a person whose business is regulated by the utilities and transportation commission or the federal communications commission;

(p) A person soliciting the sale of agricultural products, as defined in RCW 20.01.010 where the purchaser is a business;

(q) An issuer or subsidiary of an issuer that has a class of securities that is subject to section 12 of the securities exchange act of 1934 (15 U.S.C. Sec. ~~(781)~~ 781) and that is either registered or exempt from registration under paragraph (A), (B), (C), (E), (F), (G), or (H) of subsection (g) of that section;

(r) A commodity broker-dealer as defined in RCW 21.30.010 and registered with the commodity futures trading commission;

(s) A business-to-business sale where:

(i) The purchaser business intends to resell the property or goods purchased, or

(ii) The purchaser business intends to use the property or goods purchased in a recycling, reuse, remanufacturing or manufacturing process;

(t) A person licensed under RCW 19.16.110 when the solicited transaction is governed by that law;

(u) A person soliciting the sale of food intended for immediate delivery to and immediate consumption by the purchaser;

(v) A person soliciting the sale of food fish or shellfish when that person is licensed pursuant to the provisions of Title 77 RCW.

(4) "Purchaser" means a person who is solicited to become or does become obligated to a commercial telephone solicitor.

(5) "Salesperson" means any individual employed, appointed, or authorized by a commercial telephone solicitor, whether referred to by the commercial telephone solicitor as an agent, representative, or independent contractor, who attempts to solicit or solicits a sale on behalf of the commercial telephone solicitor.

(6) "Service bureau" means a commercial telephone solicitor who contracts with any person to provide commercial telephone solicitation services.

(7) "Seller" means any person who contracts with any service bureau to purchase commercial telephone solicitation services.

(8) "Person" includes any individual, firm, association, corporation, partnership, joint venture, sole proprietorship, or any other business entity.

(9) "Free gift, award, or prize" means a gratuity which the purchaser believes of a value equal to or greater than the value of

the specific product, good, or service sought to be sold to the purchaser by the seller.

(10) ("~~Solicit~~") "Telephone call" includes any communication made through a telephone that uses a live person, artificial voice, or recorded message.

(11) "Unsolicited" means to initiate contact (~~(with a purchaser)~~) for the purpose of attempting to sell a person property, goods, or services, where such (~~(purchaser has expressed)~~) person provided no previous express interest in purchasing, investing in, or obtaining information regarding the property, goods, or services attempted to be sold.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Leavitt and Corry spoke in favor of the adoption of the striking amendment.

The striking amendment (029) 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 Leavitt and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1051.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1051, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1051, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1170, by Representatives Street, Couture, Berry, Ramel, Fitzgibbon, Lekanoff, Duerr, Thai and Pollet**

**Improving climate resilience through updates to the state's integrated climate response strategy.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1170 was substituted for House Bill No. 1170 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1170 was read the second time.

Representative Dye moved the adoption of amendment (054):

On page 3, after line 27, insert the following:

"(c) The University of Washington climate impacts group must examine existing best practices and new methods that could be used to measure and evaluate climate change resilience for the purpose of better understanding and tracking how investments made in climate change resilience translate into outcomes. The results of this examination must be provided to the legislature by June 1, 2024."

On page 5, line 2, after "impacts" insert ". Specifically, prioritized actions must include those related to drought resilience, flood risk mitigation, forest health, urban heat islands and the impacts of the built environment on the natural environment, Puget Sound health, and mitigating expected impacts on outdoor recreation opportunities"

On page 5, line 5, after "relevant" insert "; and

(vi) Address the risks in each geographic region of the state with appropriate scope, scale, and urgency"

Representatives Dye and Doglio spoke in favor of the adoption of the amendment.

Amendment (054) 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 Street and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1170.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1170, and the bill passed the House by the following vote: Yeas, 82; Nays, 14; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Kloba, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick,

Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Christian, Corry, Dent, Graham, Jacobsen, Kretz, Maycumber, McEntire, Mosbrucker, Orcutt, Schmidt, Volz and Walsh

Excused: Representatives Klicker and Paul

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1170, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1319, by Representatives Reed, Cortes, Berry, Ramel, Cheney, Waters and Kloba**

**Addressing collision reporting criteria triggering driver's license reexamination.**

The bill was read the second time.

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

Representatives Reed and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1319.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1319, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

HOUSE BILL NO. 1319, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1701, by Representatives Callan, Stonier, Simmons, Senn, Reed, Kloba, Pollet, Santos, Ortiz-Self, Ormsby, Macri and Bergquist**

**Concerning basic education services to youth who are served through institutional education programs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1701 was substituted for House Bill No. 1701 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1701 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 Callan and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1701.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1701, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1701, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1061, by Representatives Ryu, Corry and Reeves

##### Eliminating preclicensing education requirements for licensed insurance producers.

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1061.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1061, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

HOUSE BILL NO. 1061, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1207, by Representatives Senn, Rude, Fey, Reed, Bergquist, Ramel, Doglio, Callan, Thai and Pollet

##### Preventing and responding to harassment, intimidation, bullying, and discrimination in schools.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1207 was substituted for House Bill No. 1207 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1207 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 Senn and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1207.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1207, and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, McClintock, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Kretz, Low, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1207, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1564, by Representatives Mosbrucker, Orwall, Chambers, Graham, Rude and Rule

##### Prohibiting the sale of over-the-counter sexual assault kits.

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1564.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1564, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2



Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

HOUSE BILL NO. 1564, having received the necessary constitutional majority, was declared passed.

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

### MOTIONS

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

HOUSE BILL NO. 1044  
 HOUSE BILL NO. 1050  
 HOUSE BILL NO. 1169  
 HOUSE BILL NO. 1188  
 HOUSE BILL NO. 1250  
 HOUSE BILL NO. 1288  
 HOUSE BILL NO. 1290  
 HOUSE BILL NO. 1323  
 HOUSE BILL NO. 1420  
 HOUSE BILL NO. 1478  
 HOUSE BILL NO. 1499  
 HOUSE BILL NO. 1507  
 HOUSE BILL NO. 1682  
 HOUSE BILL NO. 1737

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

HOUSE BILL NO. 1407  
 HOUSE BILL NO. 1421

There being no objection, the House adjourned until 9:00 a.m., Tuesday, February 28, 2023, the 51st Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY FIRST DAY

House Chamber, Olympia, Tuesday, February 28, 2023

The House was called to order at 9:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Atticus Finegood and Lili Lorentzen. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chaplain Tami Stampfli, Providence Saint Peter Hospital, Olympia.

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**

Monday, February 27, 2023

Mme. Speaker:

The Senate has passed:

SENATE BILL NO. 5031  
 SUBSTITUTE SENATE BILL NO. 5033  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5045  
 SENATE BILL NO. 5070  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5111  
 SENATE BILL NO. 5163  
 SENATE BILL NO. 5166  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5179  
 SUBSTITUTE SENATE BILL NO. 5229  
 SUBSTITUTE SENATE BILL NO. 5235  
 SENATE BILL NO. 5252  
 SUBSTITUTE SENATE BILL NO. 5275  
 SENATE BILL NO. 5287  
 SENATE BILL NO. 5319  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5320  
 SENATE BILL NO. 5350  
 SENATE BILL NO. 5385  
 SUBSTITUTE SENATE BILL NO. 5542  
 SENATE BILL NO. 5553  
 SENATE JOINT MEMORIAL NO. 8005

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Monday, February 27, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5294  
 ENGROSSED SENATE BILL NO. 5341

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**INTRODUCTION & FIRST READING**

HB 1844 by Representatives Graham, Walsh, Sandlin, Klicker and Schmidt

AN ACT Relating to creating a private right of action for harm from violations of the state Constitution or state law by elected and appointed officials; adding a new chapter to Title 7 RCW; and providing an effective date.

Referred to Committee on Civil Rights &amp; Judiciary.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

**SECOND READING**

**HOUSE BILL NO. 1077, by Representatives Thai, Walen, Simmons, Leavitt, Senn, Goodman and Santos**

**Concerning courthouse facility dogs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1077 was substituted for House Bill No. 1077 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1077 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 Thai and Walsh spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Ramel, Representative Paul was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1077.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1077, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall,

Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1077, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1257, by Representatives Hackney, Abbarno and Reed**

**Concerning the authority of cargo and passenger ports.**

The bill was read the second time.

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

Representatives Hackney and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1257.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1257, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1257, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1552, by Representatives Reeves, Ramel, Springer, Gregerson, Fosse and Doglio**

**Directing the state conservation commission to conduct a study of urban agricultural opportunities and barriers in the state.**

The bill was read the second time.

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

Representatives Reeves, Dent and Sandlin spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1552.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1552, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1552, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1540, by Representatives Hutchins, Timmons, Low, Cheney, Cortes, Bronoske, Couture, Griffey, Donaghy, Robertson, Barkis, Simmons, Reed, Klicker, Riccelli, Doglio, Berry, Ramel, Paul, Graham and Rule**

**Requiring driver training curriculum to include instruction on sharing the road with large vehicles, including commercial motor vehicles and buses.**

The bill was read the second time.

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

Representatives Hutchins and Timmons spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1540.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1540, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1540, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Caldier congratulated Representative Hutchins on the passage of his first bill and asked the Chamber to acknowledge his accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1407, by Representatives Taylor, Senn, Simmons, Stonier, Jacobsen, Bateman, Lekanoff, Peterson, Ramel, Macri, Pollet, Reed and Doglio**

**Maintaining eligibility for developmental disability 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.

Representatives Taylor and Couture spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1407.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1407, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1407, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 1737, by Representatives Morgan, Street, Kretz, Waters, Reeves, Reed, Entenman, Donaghy, Cheney, Walsh, Wylie, Stearns, Orwall, Taylor, Chapman, Berg, Graham, Gregerson, Ormsby, Ramel, Santos, Caldier, Pollet, Macri and Fosse**

**Enacting the reconciliation act.**

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 Morgan spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1737.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1737, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Hutchins, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Orcutt, Robertson, Rude, Sandlin, Schmick, Steele, Stokesbary, Volz, Walsh and Ybarra

Excused: Representative Paul

HOUSE BILL NO. 1737, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1469, by Representatives Hansen, Thai, Chopp, Fitzgibbon, Simmons, Berry, Slatter, Santos, Ryu, Street, Gregerson, Goodman, Peterson, Tharinger, Ramel, Macri, Ormsby, Reeves, Senn, Doglio, Riccelli, Alvarado, Bateman, Morgan, Callan, Bergquist and Pollet**

**Concerning access to reproductive health care services and gender-affirming treatment in Washington state.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1469 was substituted for House Bill No. 1469 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1469 was read the second time.

Representative Walsh moved the adoption of amendment (061):

On page 1, after line 7, insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds and declares that this act is not intended to undermine the relationship between a child and his or her parent or guardian. The policy adopted in this act shall be construed narrowly in such context."

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

On page 28, line 16, after "2," strike and 13 through 16" and insert "3, and 14 through 17"

Correct the title.

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (061) was not adopted.

Representative Cheney moved the adoption of amendment (058):

On page 2, beginning on line 7, after "all" strike all material through "terminations" on line 14 and insert "services relating to an elective termination of a pregnancy"

Representatives Cheney, Walsh and Corry spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

Amendment (058) was not adopted.

Representative Walsh moved the adoption of amendment (064):

On page 3, line 25, after "subpoena" strike "seeks" and insert ":(a) Seeks"

On page 3, at the beginning of line 26, strike "(a)" and insert "(i)"

On page 3, line 30, after "person;" strike "or"

On page 3, at the beginning of line 31, strike "(b)" and insert "(ii)"

On page 3, on line 34, after "subpoena" insert "; or  
(b) Is made in good order"

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

Representative Hansen spoke against the adoption of the amendment.

Amendment (064) was not adopted.

Representative Walsh moved the adoption of amendment (063):

On page 25, after line 7, insert the following:

"NEW SECTION. Sec. 17. The courts of this state shall give full faith and credit as provided for in the United States Constitution to the public acts, records, and judicial proceedings of another state and nothing in this act shall be construed to undermine the primacy of that clause."

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

On page 28, line 16, after "through" strike "16" and insert "17"

Correct the title.

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

Amendment (063) was adopted.

Representative Walsh moved the adoption of amendment (062):

On page 2, line 15, after "a" strike "civil, criminal," and insert "criminal"

On page 2, beginning on line 19, strike all of sections 3 and 4

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

On page 19, at the beginning of line 34, strike "civil or"

On page 20, line 19, after "criminal" strike "or civil"

On page 20, at the beginning of line 26, strike "civil or"

On page 20, line 39, after "criminal" strike "or civil"

On page 21, beginning on line 3, after "other" strike "civil or"

On page 21, line 7, after "other" strike "civil or"

On page 21, line 9, after "other" strike "civil or"

On page 21, line 12, after "criminal" strike "or civil"

On page 21, beginning on line 22, after "other" strike "civil or"

On page 21, line 26, after "other" strike "civil or"

On page 21, line 28, after "criminal" strike or "or civil"

On page 22, line 2, after "criminal" strike "or civil"

On page 24, line 4, after "receives a" insert "criminal"

On page 24, line 15, after "on" strike "a cause of action or"

Correct the title.

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

Representative Farivar spoke against the adoption of the amendment.

Amendment (062) was not adopted.

Representative Cheney moved the adoption of amendment (065):

On page 15, at the beginning of line 15, strike "(1)"

On page 16, beginning on line 1, beginning with "(2)" strike all material through "Washington" on line 28

Representatives Cheney, Jacobsen and Walsh spoke in favor of the adoption of the amendment.

Representative Farivar spoke against the adoption of the amendment.

Amendment (065) was not adopted.

Representative Hansen moved the adoption of amendment (031):

On page 24, beginning on line 27, after "Washington" strike all material through "The" on line 28 and insert ", the"

On page 24, beginning on line 34, after "patrol" strike all material through "Washington" on page 25, line 7

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

Amendment (031) 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 Hansen 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. 1469.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1469, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Hutchins, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1469, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1507, by Representatives Entenman, Ramel, Alvarado, Orwall, Reeves, Doglio, Pollet, Macri, Morgan and Bergquist**

**Concerning fair housing training for officers or board members in common interest communities.**

The bill was read the second time.

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

Representatives Entenman and Connors spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1507.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1507, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Rule, Gregerson, Griffey, Hackney, Hansen, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Macri, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Chambers, Chandler, Christian, Eslick, Harris, Jacobsen, Low, Maycumber and McClintock

Excused: Representative Paul

HOUSE BILL NO. 1507, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Bronoske to preside.

**HOUSE BILL NO. 1033, by Representatives Walen, Ryu, Reed, Fitzgibbon, Pollet, Callan, Doglio, Macri, Gregerson, Davis, Santos, Ormsby and Fosse**

**Evaluating compostable product usage in Washington.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1033 was substituted for House Bill No. 1033 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1033 was read the second time.

Representative Walen moved the adoption of amendment (026):

On page 2, at the beginning of line 40, strike "March 1" and insert "September 15"

Representatives Walen and Dye spoke in favor of the adoption of the amendment.

Amendment (026) 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 Walen and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1033.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1033, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, Couture, Eslick, Jacobsen, McEntire and Walsh

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1230, by Representatives Callan, Harris, Thai, Reeves, Senn, Ortiz-Self, Ormsby, Kloba, Duerr, Doglio, Berry, Riccelli, Morgan, Davis, Ramel, Bergquist, Pollet, Tharinger, Peterson, Stonier and Santos**

**Requiring school districts and other public education entities to make information from the department of health available.**

The bill was read the second time.

Representative Rude moved the adoption of amendment (059):

On page 3, beginning on line 33, after "through" strike all material through "year" on line 37 and insert "digital and nondigital communications of the school district, excluding social media platforms. Communications made in accordance with this subsection are not required to include the full text of the information from the department of health and may include a link to that information"

On page 4, beginning on line 15, after "through" strike all material through "quarterly" on line 20 and insert "digital and nondigital communications of the educational service district, excluding social media platforms. Communications made in accordance with this subsection are not required to include the full text of the information from the department of health and may include a link to that information"

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

Representative Santos spoke against the adoption of the amendment.

Amendment (059) 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 Callan and Ortiz-Self spoke in favor of the passage of the bill.

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1230.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1230, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Calder, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters and Wilcox

Excused: Representative Paul

HOUSE BILL NO. 1230, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1420, by Representatives Hackney, Corry, Walen and Ormsby**

**Concerning lien priority of mortgages and deeds of trust.**

The bill was read the second time.

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

Representatives Hackney and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1420.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1420, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1420, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1138, by Representatives Chapman, Dent, Ramel, Leavitt, Doglio, Lekanoff, Donaghy and Ormsby**

**Concerning drought preparedness.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1138 was substituted for House Bill No. 1138 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1138 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 Chapman and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1138.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1138, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Chandler

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1138, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on Substitute House Bill No. 1138.

Representative Chandler, 15th District

**SECOND READING**

**HOUSE BILL NO. 1458, by Representatives Shavers, Fosse, Santos, Berry, Simmons, Alvarado, Doglio, Ormsby, Gregerson and Pollet**

**Concerning unemployment insurance benefits for apprenticeship program participants.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1458 was substituted for House Bill No. 1458 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1458 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 Shavers and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1458.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1458, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Chambers, Chandler, Couture, Dent, Jacobsen, McEntire, Mosbrucker, Stokesbary, Volz, Walsh and Ybarra

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1458, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1250, by Representatives Steele and Eslick**

**Modifying the low-income home rehabilitation program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1250 was substituted for House Bill No. 1250 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1250 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 Steele and Tharinger spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1250.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1250, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena,



Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1250, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1222, by Representatives Orwall, Simmons, Reeves, Reed, Leavitt, Kloba, Farivar, Doglio, Morgan, Slatter, Ramel, Goodman, Callan, Fosse, Pollet, Lekanoff and Macri**

**Requiring coverage for hearing instruments.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1222 was substituted for House Bill No. 1222 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1222 was read the second time.

Representative Riccelli moved the adoption of the striking amendment (019):

Strike everything after the enacting clause and insert the following:

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

(1) For nongrandfathered group health plans other than small group health plans issued or renewed on or after January 1, 2024, a health carrier shall include coverage for hearing instruments, including bone conduction hearing devices. This section does not include coverage of over-the-counter hearing instruments.

(2) Coverage shall also include the initial assessment, fitting, adjustment, auditory training, and ear molds as necessary to maintain optimal fit. Coverage of the services in this subsection shall include services for enrollees who intend to obtain or have already obtained any hearing instrument, including an over-the-counter hearing instrument.

(3) A health carrier shall provide coverage for hearing instruments as provided in subsection (1) of this section at no less than \$3,000 per ear with hearing loss every 36 months.

(4) The services and hearing instruments covered under this section are not subject to the enrollee's deductible unless the health plan is offered as a qualifying health plan for a health savings account. For such a qualifying health plan, the carrier may apply a deductible to coverage of the services covered under this section only at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions and withdrawals from the enrollee's health savings account under internal revenue service laws and regulations.

(5) Coverage for a minor under 18 years of age shall be available under this section

only after the minor has received medical clearance within the preceding six months from:

(a) An otolaryngologist for an initial evaluation of hearing loss; or

(b) A licensed physician, which indicates there has not been a substantial change in clinical status since the initial evaluation by an otolaryngologist.

(6) For the purposes of this section:

(a) "Hearing instrument" has the same meaning as defined in RCW 18.35.010.

(b) "Over-the-counter hearing instrument" has the same meaning as "over-the-counter hearing aid" in 21 C.F.R. Sec. 800.30 as of December 28, 2022.

**Sec. 2.** RCW 48.43.715 and 2022 c 236 s 2 are each amended to read as follows:

(1) The commissioner, in consultation with the board and the health care authority, shall, by rule, select the largest small group plan in the state by enrollment as the benchmark plan for the individual and small group market for purposes of establishing the essential health benefits in Washington state.

(2) If the essential health benefits benchmark plan for the individual and small group market does not include all of the ten essential health benefits categories, the commissioner, in consultation with the board and the health care authority, shall, by rule, supplement the benchmark plan benefits as needed.

(3) All individual and small group health plans must cover the ten essential health benefits categories, other than a health plan offered through the federal basic health program, a grandfathered health plan, or medicaid. Such a health plan may not be offered in the state unless the commissioner finds that it is substantially equal to the benchmark plan. When making this determination, the commissioner:

(a) Must ensure that the plan covers the ten essential health benefits categories;

(b) May consider whether the health plan has a benefit design that would create a risk of biased selection based on health status and whether the health plan contains meaningful scope and level of benefits in each of the ten essential health benefits categories;

(c) Notwithstanding (a) and (b) of this subsection, for benefit years beginning January 1, 2015, must establish by rule the review and approval requirements and procedures for pediatric oral services when offered in stand-alone dental plans in the nongrandfathered individual and small group markets outside of the exchange; and

(d) Must allow health carriers to also offer pediatric oral services within the health benefit plan in the nongrandfathered individual and small group markets outside of the exchange.

(4) Beginning December 15, 2012, and every year thereafter, the commissioner shall submit to the legislature a list of state-mandated health benefits, the enforcement of which will result in federally imposed costs to the state related to the plans sold through the exchange because the benefits are not included in the

essential health benefits designated under federal law. The list must include the anticipated costs to the state of each state-mandated health benefit on the list and any statutory changes needed if funds are not appropriated to defray the state costs for the listed mandate. The commissioner may enforce a mandate on the list for the entire market only if funds are appropriated in an omnibus appropriations act specifically to pay the state portion of the identified costs.

(5) Upon authorization by the legislature to modify the state's essential health benefits benchmark plan under 45 C.F.R. Sec. 156.111, the commissioner shall include coverage for donor human milk under RCW 48.43.815 and hearing instruments and services required under section 1 of this act in the updated plan.

**Sec. 3.** RCW 41.05.830 and 2018 c 159 s 1 are each amended to read as follows:

(1) Subject to appropriation, a health plan offered to employees and their covered dependents under this chapter issued or renewed on or after January 1, 2019, must include coverage for hearing instruments. Coverage must include a new hearing instrument every five years and services and supplies such as the initial assessment, fitting, adjustment, and auditory training.

(2) The hearing instrument must be recommended by a licensed audiologist, hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology and dispensed by a licensed audiologist, hearing aid specialist, or a licensed physician or osteopathic physician who specializes in otolaryngology.

(3) For the purposes of this section, "hearing instrument" and "hearing aid specialist" have the same meaning as defined in RCW 18.35.010.

(4) This section expires December 31, 2023.

**NEW SECTION. Sec. 4.** A new section is added to chapter 41.05 RCW to read as follows:

A health plan offered to employees and their covered dependents under this chapter issued or renewed on or after January 1, 2024, is subject to section 1 of this act."

Correct the title.

Representative Riccelli moved the adoption of amendment (080) to the striking amendment (019):

On page 4, line 3 of the striking amendment, after "to" insert "public"

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

Amendment (080) to the striking amendment (019) was adopted.

Representatives Riccelli and Schmick spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (019), 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 Orwall and Stokesbary spoke in favor of the passage of the bill.

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1222.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1222, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Dent, Jacobsen, McClintock, McEntire, Orcutt, Schmick and Walsh

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1222, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1085, by Representatives Mena, Bateman, Reed, Fitzgibbon, Ramel, Peterson, Pollet, Berry, Walen, Doglio, Macri, Simmons, Thai, Cortes, Kloba and Ormsby**

### Reducing plastic pollution.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1085 was substituted for House Bill No. 1085 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1085 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 Mena, Goehner and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1085.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1085, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1085, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1012, by Representatives Leavitt, Robertson, Ryu, Simmons, Reed, Ramel, Lekanoff, Pollet, Callan, Doglio, Orwall, Macri, Timmons, Donaghy, Reeves, Wylie, Bronoske, Paul, Springer and Thai**

**Addressing the response to extreme weather events.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1012 was substituted for House Bill No. 1012 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1012 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 Leavitt and Sandlin spoke in favor of the passage of the bill.

Representative Volz spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1012.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1012, and the bill passed the House by the following vote: Yeas, 68; Nays, 29; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Maycumber, McClintock, McEntire, Orcutt, Rude, Schmick, Schmidt, Volz, Walsh, Waters and Wilcox

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1012, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1340, by Representatives Riccelli, Thai, Berry, Ormsby, Chopp, Macri, Bergquist, Bateman,**

**Simmons, Stonier, Berg, Duerr, Wylie, Senn, Taylor, Fitzgibbon, Cortes, Goodman, Reed, Lekanoff, Alvarado, Ramel, Kloba, Tharinger and Pollet**

**Concerning actions by health professions disciplining authorities against license applicants and license holders.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1340 was substituted for House Bill No. 1340 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1340 was read the second time.

Representative Riccelli moved the adoption of amendment (039):

On page 6, line 17, after "based" strike "solely"

On page 6, line 35, after "based" strike "solely"

On page 7, line 3, after "(3)" insert "Nothing in this section prohibits the disciplining authority from taking action on separate charges that are unrelated to the provision of, authorization of, recommendation of, aiding in, assistance in, referral for, or other participation in any reproductive health care services or gender affirming treatment that would have been lawful and consistent with standards of care if it occurred entirely in Washington.

(4) "

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

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

Amendment (039) 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 Riccelli spoke in favor of the passage of the bill.

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1340.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1340, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer,

Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1340, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1177, by Representatives Lekanoff, Orwall, Reed, Berry, Ramel, Callan, Doglio, Timmons, Walsh, Reeves, Chopp, Duerr, Gregerson, Taylor, Wylie, Stonier, Pollet, Davis, Kloba and Ormsby**

**Creating a missing and murdered indigenous women and people cold case investigations unit.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1177 was substituted for House Bill No. 1177 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1177 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 Lekanoff and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1177.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1177, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1177, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1792, by Representatives Timmons, Dent, Lekanoff, Fitzgibbon, Rule, Ramel, Springer and Eslick**

**Modifying timelines and other initial procedural actions in a water rights adjudication.**

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1792.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1792, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1792, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1771, by Representatives Donaghy, Gregerson, Ramel, Morgan, Fosse, Reed, Ormsby, Doglio, Peterson and Pollet**

**Concerning relocation assistance for tenants of closed or converted manufactured/mobile home parks.**

The bill was read the second time.

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

Representatives Donaghy and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1771.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1771, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons,

Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1771, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1695, by Representatives Alvarado, Lekanoff, Reed, Santos, Senn, Ramel, Pollet, Macri and Simmons**

**Defining affordable housing for purposes of using surplus public property for public benefit.**

The bill was read the second time.

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

Representatives Alvarado and Connors spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1695.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1695, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1695, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1624, by Representatives Ybarra and Waters**

**Administering educational service district elections.**

The bill was read the second time.

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

Representatives Ybarra and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1624.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1624, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1624, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1266, by Representatives Santos, Corry and Reeves**

**Concerning email communication by the office of the insurance commissioner.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1266 was substituted for House Bill No. 1266 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1266 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 Santos and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1266.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1266, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1266, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1221, by Representatives Stearns, Kloba, Ramel, Goodman and Morgan**

**Concerning the privacy of lottery players.**

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1221.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1221, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1221, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1349, by Representatives Orwall, Leavitt, Ramel, Kloba, Reed, Lekanoff, Pollet and Fosse**

**Concerning foreclosure protections.**

The bill was read the second time.

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

Representatives Orwall and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1349.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1349, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons,

Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1349, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1419, by Representatives Chapman and Goehner**

**Concerning county treasurers' duties.**

The bill was read the second time.

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

Representatives Chapman and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1419.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1419, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1419, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1334, by Representatives Hutchins, Simmons, Couture and Ramel**

**Addressing the access of certain aquatic lands by a public transportation benefit area.**

The bill was read the second time.

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

Representatives Hutchins and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1334.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1334, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier,

Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1334, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1289, by Representatives Reed, Ybarra, Berry, Ortiz-Self, Riccelli, Paul, Reeves, Leavitt and Timmons**

**Concerning program administration for the Washington state opportunity scholarship program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1289 was substituted for House Bill No. 1289 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1289 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 Reed and Ybarra spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representative Chopp was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1289.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1289, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chopp and Paul

SUBSTITUTE HOUSE BILL NO. 1289, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

**HOUSE BILL NO. 1050, by Representatives Riccelli, Berry, Simmons, Ryu, Goodman, Reed, Ramel, Lekanoff, Pollet, Street, Doglio, Donaghy, Wylie, Santos, Ormsby and Fosse**

**Expanding apprenticeship utilization requirements.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1050 was substituted for House Bill No. 1050 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1050 was read the second time.

Representative Riccelli moved the adoption of amendment (084):

On page 1, beginning on line 17, strike all of subsection (iii)

On page 2, line 23, after "apprentices." strike all material through "apprentices." on line 27

On page 3, line 7, after "apprentices." strike all material through "apprentices." on line 12

On page 3, line 27, after "apprentices." strike all material through "apprentices." on line 32

On page 5, line 1, after "of" strike "enterprise services" and insert "(~~enterprise~~ services) labor and industries"

On page 6, beginning on line 13, strike all of subsection (10)

Representatives Riccelli and Abbarno spoke in favor of the adoption of the amendment.

Amendment (084) 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 Riccelli spoke in favor of the passage of the bill.

Representatives Steele and Schmidt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1050.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1050, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba,

Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1188, by Representatives Senn, Taylor, Reed, Leavitt, Callan, Macri, Simmons, Timmons, Chopp, Lekanoff, Couture, Gregerson, Thai, Wylie, Stonier, Schmick, Santos, Pollet, Kloba, Eslick and Ormsby**

**Concerning individuals with developmental disabilities that have also received child welfare services.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1188 was substituted for House Bill No. 1188 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1188 was read the second time.

Representative Senn moved the adoption of the striking amendment (081):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 43.88C.010 and 2022 c 219 s 2 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload

forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of students who are eligible for the Washington college grant program under RCW 28B.92.200 and 28B.92.205 and are expected to attend an institution of higher education as defined in RCW 28B.92.030; and

(d) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) By January 1, 2023, the caseload forecast council shall present the number of individuals who are assessed as eligible for and have requested a service through the individual and family services waiver and the basic plus waiver administered by the developmental disabilities administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(10) Beginning with the official forecast submitted in November 2022 and subject to the availability of amounts appropriated for this specific purpose, the caseload forecast council shall forecast the number of individuals who are assessed as eligible for and have requested supported living services, a service through the core waiver, an individual and family services waiver, and the basic plus waiver administered by the developmental disabilities



administration as a courtesy. The caseload forecast council shall be presented with the service request list as defined in RCW 71A.10.020 to aid in development of this information.

(11) As a courtesy, beginning with the official forecast submitted in November 2022, the caseload forecast council shall forecast the number of individuals who are expected to reside in state-operated living alternatives administered by the developmental disabilities administration.

(12) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(13) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

(14) The caseload forecast council shall forecast the number of individuals who are functionally and financially eligible for medicaid waiver services administered by the developmental disabilities administration who also meet the criteria outlined in RCW 71A.12.370, as well as the number of individuals who qualify for the waiver for dependent children and youth under section 5 of this act.

(15) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

~~((15))~~ (16) During the 2021-2023 fiscal biennium, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

**Sec. 2.** RCW 43.88.058 and 2021 c 334 s 1904 are each amended to read as follows:

For the purposes of this chapter, expenditures for the following (~~foster care, adoption support and related services, and child protective~~) services must be forecasted and budgeted as maintenance level costs:

(1) Behavioral rehabilitation services placements;

(2) Social worker and related staff to receive, refer, and respond to screened-in reports of child abuse or neglect (~~except in fiscal year 2021~~);

(3) Court-ordered parent-child and sibling visitations delivered by contractors; ~~(and)~~

(4) Those activities currently being treated as maintenance level costs for budgeting or forecasting purposes on June 7, 2018, including, but not limited to: (a) Adoption support and other adoption-related expenses; (b) foster care maintenance payments; (c) child-placing agency management fees; (d) support goods such as clothing vouchers; (e) child aides; and (f) child care for children in foster or relative placements when the caregiver is at work or in school; and

(5) Developmental disability waiver slots as required under RCW 71A.12.370.

**Sec. 3.** RCW 71A.24.005 and 2009 c 194 s 1 are each amended to read as follows:

(1) The legislature recognizes that the number of children who have developmental disabilities along with intense behaviors is increasing, and more families are seeking out-of-home placement for their children.

(2) The legislature intends to create services and to develop supports for these children, family members, and others involved in the children's lives to avoid disruption to families (~~and eliminate~~), help prevent the need for out-of-home placement, and supplement the child welfare services a child may be receiving from the department of children, youth, and families.

(3) The legislature directs the department to maintain a federal waiver through which services may be provided to allow children with developmental disabilities and intense behaviors to maintain permanent and stable familial relationships. The legislature intends for these services to be locally based and offered as early as possible to avoid family disruption and out-of-home placement, but also offered to children in out-of-home placement when necessary.

**Sec. 4.** RCW 71A.24.010 and 2009 c 194 s 2 are each amended to read as follows:

(1) To the extent funding is appropriated for this purpose, intensive behavior support services may be provided by the department, directly or by contract, to children who have developmental disabilities and intense behaviors and to their families.

(2) The department shall be the lead administrative agency for children's intensive behavior support services and shall:

(a) Collaborate with appropriate parties to develop and implement the intensive in-home support services program within the division of developmental disabilities;

(b) Use best practices and evidence-based practices;

(c) Provide coordination and planning for the implementation and expansion of intensive in-home services;

(d) Contract for the provision of intensive in-home and planned out-of-home services;

(e) Monitor and evaluate services to determine whether the program meets standards identified in the service contracts;

(f) Collect data regarding the number of families served, and costs and outcomes of the program;

(g) Adopt appropriate rules to implement the program;

(h) License out-of-home respite placements on a timely basis; and

(i) Maintain an appropriate staff-to-client ratio.

(3) A child may receive intensive behavior support services when the department has determined that:

(a) The child is under the age of twenty-one;

(b) The child has a developmental disability and has been determined eligible for these services;

(c) The child/family acuity scores are high enough in the assessment conducted by the division of developmental disabilities to indicate the child's behavior puts the child or family at significant risk or is very likely to require an out-of-home placement;

(d) The child meets eligibility for the home and community-based care waiver;

(e) The child resides in his or her family home or is ~~((temporarily))~~ in an out-of-home placement ~~((with a plan to return home)); and~~

(f) The family agrees to participate in the program and complete the care and support steps outlined in the completed individual support plan ~~((and~~

~~((g) The family is not subject to an unresolved child protective services referral)).~~

**NEW SECTION. Sec. 5.** A new section is added to chapter 71A.12 RCW to read as follows:

(1) The legislature recognizes that children and youth with developmental disabilities who are subject to a dependency have unique support needs. To this end, the legislature intends to establish a new medicaid waiver for this population.

(2) By December 1, 2024, the department shall apply for federal approval to establish a new medicaid waiver tailored to meet the needs of dependent children and youth with developmental disabilities. The services provided in this waiver shall supplement, and not supplant, the child welfare services and supports a child or youth is entitled to or receives under Title IV-E of the social security act from the department of children, youth, and families, and may not duplicate services or supports available through other funding sources.

(3) The department shall be the lead administrative agency for the waiver for dependent children and youth and shall collaborate with the department of children, youth, and families and other relevant stakeholders to identify the services and supports currently provided to dependent children and youth and identify services and supports that will supplement supports already provided. The department of children, youth, and families shall provide to the department all information and data that is necessary for the department to determine eligibility for services, to provide appropriate and timely services and supports to qualifying children and youth, and to implement and maintain compliance with federal funding requirements.

(4) Children and youth eligible to receive services under the waiver for dependent children and youth are those meeting the criteria identified in RCW 71A.12.370(1) who are age 20 or younger.

**Sec. 6.** RCW 71A.12.370 and 2021 c 56 s 4 are each amended to read as follows:

~~((When there is funded capacity for services))~~ (1) Services provided through a medicaid waiver administered by the department, ~~((and))~~ to the extent consistent with federal law and federal funding requirements, ~~((priority for that waiver))~~

shall be provided to eligible individuals who ~~((exited))~~ meet the following criteria on or after the effective date of this section:

(a) (i) Are subject to a dependency;

(ii) Are receiving extended foster care services as defined in RCW 74.13.020; or

(iii) Exited a dependency ~~((proceeding under chapter 13.34 RCW within the last two years))~~ or discontinued extended foster care services as defined in RCW 74.13.020; and

(b) Will begin receiving waiver services prior to the individual's 25th birthday.

(2) Persons meeting the criteria in subsection (1) of this section who are receiving services under the waiver for dependent children and youth established in section 5 of this act or the children's intensive behavioral support services waiver under RCW 71A.24.010 must be immediately transferred to a different waiver without a break in services when, based on their age, they no longer qualify for the waiver under which they have been receiving services.

(3) For purposes of this section, a "dependency" includes both a dependency under chapter 13.34 RCW and circumstances in which an Indian child is in the custody of a federally recognized Indian tribe as defined in RCW 43.376.010 or the tribe's placing agency.

**NEW SECTION. Sec. 7.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Senn and Eslick spoke in favor of the adoption of the striking amendment.

The striking amendment (081) 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 Senn, Eslick and Couture spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1188.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1188, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt,

Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1188, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1377, by Representatives Santos, Reed and Ortiz-Self**

**Posting of approved courses and providers of continuing education.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1377 was substituted for House Bill No. 1377 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1377 was read the second time.

Representative Santos moved the adoption of amendment (071):

On page 2, line 18, after "(b)" insert "(i)"

On page 2, beginning on line 21, after "leaders." strike all material through "board" on line 27 and insert the following:

(ii) Except as provided in (b)(iii) of this subsection (4), the rules must require providers to apply to the board for approval to offer continuing education on the topics listed in (b)(i) of this subsection. The rules may also require the providers to periodically apply for reapproval.

(iii) Board approval is not necessary for the following providers to offer continuing education on the topics listed in (b)(i) of this subsection through June 30, 2028, or a date established by the board, whichever is later: the office of the superintendent of public instruction; school districts, educational service districts; board-approved administrator and teacher preparation programs; and the Washington education association. However, after this date, these providers must receive board approval under (b)(ii) of this subsection to continue offering continuing education on the topics listed in (b)(i) of this subsection"

On page 2, beginning on line 29, after "maintain" strike all material through "website" on line 30 and insert "on its website a list of continuing education providers, courses, or both, approved or otherwise permitted under (b) of this subsection (4)."

Representatives Santos and Rude spoke in favor of the adoption of the amendment.

Amendment (071) 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 Santos and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1377.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1377, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1377, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1772, by Representatives Waters, Orwall, Christian, Sandlin, Cheney, McClintock, Farivar, Timmons, Leavitt, Senn, Rule, Schmidt and Pollet**

**Prohibiting products that combine alcohol and tetrahydrocannabinol.**

The bill was read the second time.

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

Representatives Waters and Wylie spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1772.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1772, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Caldier, Morgan and Rude

Excused: Representative Paul

HOUSE BILL NO. 1772, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Harris congratulated Representative Waters on the passage of his first bill and asked the Chamber to acknowledge his accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1758, by Representatives Mena, Fitzgibbon, Chapman, Morgan and Reed**

**Concerning permitting for certain hatchery maintenance activities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1758 was substituted for House Bill No. 1758 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1758 was read the second time.

Representative Ybarra moved the adoption of amendment (055):

On page 2, line 12, after "activities" insert "undertaken by the department of fish and wildlife, a federally recognized Indian tribe, or a public utility district"

On page 2, line 26, after "activities" insert "undertaken by the department of fish and wildlife, a federally recognized Indian tribe, or a public utility district"

Representatives Ybarra and Doglio spoke in favor of the adoption of the amendment.

Amendment (055) 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 Mena, Ybarra and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1758.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1758, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons,

Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1775, by Representatives Lekanoff, Chapman, Ramel and Reed**

**Limiting liability for salmon recovery projects performed by regional fisheries enhancement groups.**

The bill was read the second time.

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

Representatives Lekanoff, Dent and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1775.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1775, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Jacobsen and Schmick

Excused: Representative Paul

HOUSE BILL NO. 1775, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1501, by Representatives Steele, Caldier, Santos, Leavitt, Schmidt, Eslick, Orwall, Reeves and Graham**

**Authorizing additional counseling services for immediate family members of homicide victims.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1501 was substituted for House Bill No. 1501 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1501 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 Steele and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1501.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1501, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1501, having received the necessary constitutional majority, was declared passed.

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

**MOTIONS**

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

- HOUSE BILL NO. 1002
- HOUSE BILL NO. 1013
- HOUSE BILL NO. 1032
- HOUSE BILL NO. 1047
- HOUSE BILL NO. 1057
- HOUSE BILL NO. 1109
- HOUSE BILL NO. 1110
- HOUSE BILL NO. 1112
- HOUSE BILL NO. 1132
- HOUSE BILL NO. 1176
- HOUSE BILL NO. 1238
- HOUSE BILL NO. 1254
- HOUSE BILL NO. 1260
- HOUSE BILL NO. 1304
- HOUSE BILL NO. 1316
- HOUSE BILL NO. 1320
- HOUSE BILL NO. 1333
- HOUSE BILL NO. 1357
- HOUSE BILL NO. 1365
- HOUSE BILL NO. 1381
- HOUSE BILL NO. 1433
- HOUSE BILL NO. 1436
- HOUSE BILL NO. 1470
- HOUSE BILL NO. 1491
- HOUSE BILL NO. 1512
- HOUSE BILL NO. 1521
- HOUSE BILL NO. 1525
- HOUSE BILL NO. 1542
- HOUSE BILL NO. 1562
- HOUSE BILL NO. 1565
- HOUSE BILL NO. 1572
- HOUSE BILL NO. 1590
- HOUSE BILL NO. 1618
- HOUSE BILL NO. 1679
- HOUSE BILL NO. 1681
- HOUSE BILL NO. 1683
- HOUSE BILL NO. 1712

- HOUSE BILL NO. 1731
- HOUSE BILL NO. 1732
- HOUSE BILL NO. 1750
- HOUSE BILL NO. 1766
- HOUSE BILL NO. 1783
- HOUSE BILL NO. 1804
- HOUSE BILL NO. 1824

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

- HOUSE BILL NO. 1457
- HOUSE BILL NO. 1782

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

- HOUSE BILL NO. 1025
- HOUSE BILL NO. 1074
- HOUSE BILL NO. 1258
- HOUSE BILL NO. 1387
- HOUSE BILL NO. 1391
- HOUSE BILL NO. 1435
- HOUSE BILL NO. 1452
- HOUSE BILL NO. 1477
- HOUSE BILL NO. 1494
- HOUSE BILL NO. 1508
- HOUSE BILL NO. 1515
- HOUSE BILL NO. 1554
- HOUSE BILL NO. 1596
- HOUSE BILL NO. 1599
- HOUSE BILL NO. 1694
- HOUSE BILL NO. 1777
- HOUSE BILL NO. 1779

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

**MESSAGES FROM THE SENATE**

Tuesday, February 28, 2023

Mme. Speaker:

The Senate has passed:

- SUBSTITUTE SENATE BILL NO. 5054
- SENATE BILL NO. 5066
- SUBSTITUTE SENATE BILL NO. 5126
- SUBSTITUTE SENATE BILL NO. 5182
- SENATE BILL NO. 5240
- SENATE BILL NO. 5242
- SUBSTITUTE SENATE BILL NO. 5256
- SENATE BILL NO. 5280
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5365
- SENATE BILL NO. 5370
- SENATE BILL NO. 5394
- SUBSTITUTE SENATE BILL NO. 5396
- SUBSTITUTE SENATE BILL NO. 5405
- SENATE BILL NO. 5452
- SENATE BILL NO. 5459
- ENGROSSED SENATE BILL NO. 5462
- SUBSTITUTE SENATE BILL NO. 5565
- SUBSTITUTE SENATE BILL NO. 5581
- SENATE BILL NO. 5606
- SUBSTITUTE SENATE BILL NO. 5617
- SUBSTITUTE SENATE BILL NO. 5627
- SUBSTITUTE SENATE BILL NO. 5648
- SUBSTITUTE SENATE BILL NO. 5709
- SUBSTITUTE SENATE BILL NO. 5720
- SUBSTITUTE SENATE BILL NO. 5729

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Tuesday, February 28, 2023

Mme. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8404

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

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

## SECOND READING

**HOUSE BILL NO. 1391, by Representatives Ramel, Doglio, Duerr, Berry, Pollet and Reed**

**Concerning energy in buildings.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1391 was substituted for House Bill No. 1391 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1391 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 Ramel spoke in favor of the passage of the bill.

Representatives Dye, Ybarra and Christian spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1391.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1391, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Entenman, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Morgan, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1391, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1169, by Representatives Simmons, Taylor, Berry, Bateman, Goodman, Wylie, Santos and Ormsby**

**Concerning legal financial obligations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1169 was substituted for House Bill No. 1169 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1169 was read the second time.

Representative Cheney moved the adoption of amendment (079):

On page 1, beginning on line 9, strike all of section 1 and insert the following:

**"Sec. 1.** RCW 7.68.035 and 2018 c 269 s 19 are each amended to read as follows:

(1) ~~((a) When)~~ Except as provided in subsection (4) of this section, when any adult person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be five hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and two hundred fifty dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

~~((b) When any juvenile is adjudicated of an offense that is a most serious offense as defined in RCW 9.94A.030, or a sex offense under chapter 9A.44 RCW, there shall be imposed upon the juvenile offender a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be one hundred dollars for each case or cause of action.~~

~~((c) When any juvenile is adjudicated of an offense which has a victim, and which is not a most serious offense as defined in RCW 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall order up to seven hours of community restitution, unless the court finds that such an order is not practicable for the offender. This community restitution must be imposed consecutively to any other community restitution the court imposes for the offense.)~~

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.490(2), and 46.09.470(2).

(3) ~~((When))~~ Except as provided in subsection (4) of this section, when any adult person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited

bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) The court shall not impose the penalty assessment under this section if the court finds that the defendant, at the time of sentencing, is indigent as defined in RCW 10.01.160(3).

(5) Upon motion by a defendant, the court shall waive any crime victim penalty assessment imposed prior to the effective date of this section if:

(a) The person was a juvenile at the time the penalty assessment was imposed; or

(b) The person does not have the ability to pay the penalty assessment. A person does not have the ability to pay if the person is indigent as defined in RCW 10.01.160(3).

(6) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer. Each county shall deposit one hundred percent of the money it receives per case or cause of action under subsection (1) of this section, not less than one and seventy-five one-hundredths percent of the remaining money it retains under RCW 10.82.070 and the money it retains under chapter 3.62 RCW, and all money it receives under subsection ~~((7))~~ (9) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his or her surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's

proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

~~((4))~~ (7) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection ~~((4))~~ (6) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection ~~((4))~~ (6) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection ~~((4))~~ (6) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection ~~((4))~~ (6) of this section to the state treasurer for deposit in the state general fund.

~~((6))~~ (8) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

~~((7))~~ (9) Every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.50.100 and 35.20.220 to the county treasurer for deposit as provided in subsection ~~((4))~~ (6) of this section."

On page 6, line 11, after "~~((4))~~" strike "(1)" and insert "(6)"

On page 10, beginning on line 29, after "assessments" strike all material through "section" on line 30

Representatives Cheney and Simmons spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (079) and the amendment was adopted by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons,

Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

Amendment (079) 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 Simmons spoke in favor of the passage of the bill.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1169.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1169, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1169, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1323, by Representatives Bronoske, Berry, Leavitt, Morgan, Taylor, Senn, Bateman, Reed, Lekanoff and Doglio**

**Requiring a training and certification program for individuals who apply fire-resistant materials.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1323 was substituted for House Bill No. 1323 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1323 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 Bronoske, Robertson and Christian spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1323.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1323, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1323, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1290, by Representatives Lekanoff, Goodman, Ortiz-Self, Ramel, Leavitt and Ormsby**

**Concerning training for tribal police officers and employees.**

The bill was read the second time.

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

Representatives Lekanoff and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1290.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1290, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

HOUSE BILL NO. 1290, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1499, by Representatives Shavers, Ramel, Santos, Leavitt, Gregerson, Bateman, Ormsby, Doglio, Pollet, Reed, Ortiz-Self, Stonier and Fosse**

**Concerning food assistance funding.**



The bill was read the second time.

There being no objection, Substitute House Bill No. 1499 was substituted for House Bill No. 1499 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1499 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 Shavers and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1499.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1499, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh  
Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1499, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1288, by Representatives Reeves, Ryu, Morgan and Graham**

**Concerning the department of veterans affairs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1288 was substituted for House Bill No. 1288 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1288 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 Reeves and Volz spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1288.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1288, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1288, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 1293, by Representatives Klicker, Leavitt, Barkis, Jacobsen, Waters, Chapman, Reed and Graham**

**Streamlining development regulations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1293 was substituted for House Bill No. 1293 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1293 was read the second time.

Representative Peterson moved the adoption of the striking amendment (053):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.21C.229 and 2020 c 87 s 1 are each amended to read as follows:

(1) ~~((In order))~~ The purpose of this section is to accommodate infill and housing development and thereby realize the goals and policies of comprehensive plans adopted according to chapter 36.70A RCW((g-a)).

(2) A city or county planning under RCW 36.70A.040 is authorized by this section to establish categorical exemptions from the requirements of this chapter. ((An exemption adopted under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a)-)) An exemption may be adopted by a city or county under this ~~((section))~~ subsection if it meets the following criteria:

(a) It categorically exempts government action related to development proposed to fill in an urban growth area, designated according to RCW 36.70A.110, where current density and intensity of use in the area is roughly equal to or lower than called for in the goals and policies of the applicable comprehensive plan and the development is either:

(i) Residential development;  
(ii) Mixed-use development; or  
(iii) Commercial development up to ~~((sixty-five thousand))~~ 65,000 square feet, excluding retail development;

(b) It does not exempt government action related to development that is inconsistent with the applicable comprehensive plan or would clearly exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan;

(c) The local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, planned action ordinance, or other local, state, or federal rules or laws; and

(d)(i) The city or county's applicable comprehensive plan was previously subjected to environmental analysis through an environmental impact statement under the requirements of this chapter prior to adoption; or

(ii) The city or county has prepared an environmental impact statement that considers the proposed use or density and intensity of use in the area proposed for an exemption under this section.

~~((2) Any))~~ (3) All project actions that propose to develop one or more residential housing units within an urban growth area designated pursuant to RCW 36.70A.110 shall be categorically exempt from the requirements of this chapter. This categorical exemption only applies to areas that do not have existing or anticipated transportation system safety or operational deficiencies. A city or county must consult with the Washington state department of transportation to determine if such deficiencies exist. A project action shall be eligible for categorical exemption under this subsection only if it meets the following criteria:

(a) The proposed development is consistent with all development regulations implementing an applicable comprehensive plan adopted according to chapter 36.70A RCW by the jurisdiction in which the development is proposed, with the exception of any development regulation that is inconsistent with applicable provisions of chapter 36.70A RCW; and

(b)(i) The city or county's applicable comprehensive plan was previously subjected to environmental analysis through an environmental impact statement under the requirements of this chapter prior to adoption; or

(ii) The city or county has prepared an environmental impact statement that considers the proposed use or density and intensity of use in the area proposed for an exemption under this section and fully addresses the transportation impacts.

(4) Any categorical exemption under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a). However, any categorical exemption ((adopted by a city or county)) under this section shall be subject to the rules of the department adopted according to RCW 43.21C.110(1)(a) that provide exceptions to the use of categorical exemptions adopted by the department.

NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW to read as follows:

(1) For purposes of this section, "design review" means a formally adopted local government process by which projects are reviewed for compliance with design standards for the type of use adopted through local ordinance.

(2) Except as provided in subsection (3) of this section, counties and cities planning under RCW 36.70A.040 may apply in any design review process only clear and objective development regulations governing the exterior design of new development. For purposes of this section, a clear and objective development regulation:

(a) Must include one or more ascertainable guideline, standard, or criterion by which an applicant can determine whether a given building design is permissible under that development regulation; and

(b) May not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.

(3) The provisions of subsection (2) of this section do not apply to development regulations that apply only to structures listed in the Washington heritage register as described in RCW 27.34.220 or the national register of historic places as defined in the national historic preservation act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

(4) Any design review process must be conducted concurrently, or otherwise logically integrated, with the consolidated review and decision process for project permits set forth in RCW 36.70B.120(3), and no design review process may include more than one public meeting within the meaning of RCW 36.70B.020.

Sec. 3. RCW 36.70B.160 and 1995 c 347 s 420 are each amended to read as follows:

(1) Each local government is encouraged to adopt further project review provisions to provide prompt, coordinated, and objective review and ensure accountability to applicants and the public, including expedited review for project permit applications for projects that are consistent with adopted development regulations or that include dwelling units that are affordable to low-income or moderate-income households and within the capacity of systemwide infrastructure improvements.

(2) Nothing in this chapter is intended or shall be construed to prevent a local government from requiring a preapplication conference or a public meeting by rule, ordinance, or resolution, where otherwise required by applicable state law.

(3) Each local government shall adopt procedures to monitor and enforce permit decisions and conditions.

(4) Nothing in this chapter modifies any independent statutory authority for a government agency to appeal a project permit issued by a local government.

(5) For the purposes of this section:

(a) A dwelling unit is affordable if it requires payment of monthly housing costs, including utilities other than telephone, of no more than 30 percent of the family's income.

(b) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation, and that is sold or rented separately from other dwelling units.

(c) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than 80 percent of the median family income, adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development, or less than 80 percent of the city's median income if the project is located in the city, the city has median income of more than 20 percent above the county median income, and the city has adopted an alternative local median income.

(d) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income, adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development, or less than 120 percent of the city's median income if the project is located in the city, the city has median income of more than 20 percent above the county median income, and the city has adopted an alternative local median income."

Correct the title.

Representative Peterson moved the adoption of amendment (074) to the striking amendment (053):

On page 1, line 10 of the striking amendment, after "this" strike "section" and insert "~~((section))~~ subsection"

On page 3, after line 2 of the striking amendment, insert the following:

"(5) The categorical exemption in subsection (3) of this section applies in a city or county beginning six months after its next periodic comprehensive plan update required under RCW 36.70A.130."

On page 3, line 12 of the striking amendment, after "development" insert "that does not include any residential units"

On page 3, beginning on line 22 of the striking amendment, after "only to" strike all material through "amended" on line 27 and insert "designated landmarks or historic districts established under a local preservation ordinance"

On page 3, after line 32 of the striking amendment, insert the following:

"(5) A county or city must comply with the requirements of this section beginning six months after its next periodic comprehensive plan update required under RCW 36.70A.130."

Representatives Peterson and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (074) to the striking amendment (053) was adopted.

Representatives Peterson and Barkis spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (053), 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 Klicker, Peterson and Barkis spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1293.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1293, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Doglio, Pollet and Ramos

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1293, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1584, by Representatives Barnard, Fitzgibbon, Dye, Donaghy, Lekanoff, Slatter, Ybarra, Couture, Fey, Ryu, Riccelli, Berry, Schmidt, Sandlin and Timmons**

**Planning for advanced nuclear reactor technology in Washington.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1584 was substituted for House Bill No. 1584 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1584 was read the second time.

With the consent of the House, amendment (044) was withdrawn.

Representative Barnard moved the adoption of amendment (056):

On page 2, beginning on line 30, after "of" strike "~~((cleaner energy sources, such as))~~" and insert "cleaner energy sources, such as"

On page 2, line 31, after "sources," insert "renewable natural gas, green electrolytic hydrogen,"

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

Amendment (056) 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, Doglio, Christian and Connors spoke in favor of the passage of the bill.

Representative Pollet 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. 1584.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1584, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Peterson, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chopp, Entenman, Orwall, Pollet, Ramos and Street

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1584, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Connors congratulated Representative Barnard on the passage of her first bill and asked the Chamber to acknowledge her accomplishment.

#### SECOND READING

**HOUSE BILL NO. 1470, by Representatives Ortiz-Self, Chopp, Simmons, Santos, Ryu, Orwall, Chapman, Gregerson, Doglio, Peterson, Ramel, Macri, Ormsby, Berg, Leavitt, Bateman, Morgan and Fey**

**Concerning private detention facilities.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1470 was substituted for House Bill No. 1470 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1470 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 Ortiz-Self and Mosbrucker spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1470.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1470, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1470, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1504, by Representatives Low, Alvarado, Eslick, Fosse, Donaghy, Cortes, Harris, Leavitt, Taylor, Duerr, Schmidt, Goodman, Graham, Volz, Doglio, Pollet, Macri, Reed, Riccelli and Callan**

**Ensuring elementary school students receive sufficient daily recess.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1504 was substituted for House Bill No. 1504 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1504 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, Alvarado and Maycumber spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1504.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1504, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney,

Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1504, having received the necessary constitutional majority, was declared passed.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bill:

SENATE CONCURRENT RESOLUTION NO. 8404

There being no objection, the House adjourned until 10:30 a.m., Wednesday, March 1, 2023, the 52nd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY SECOND DAY

House Chamber, Olympia, Wednesday, March 1, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ella Sakay and Airah Sitjar. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Paul Harris, 17th Legislative District.

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

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

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

**MESSAGE FROM THE SENATE**

Wednesday, March 1, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5050  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5080  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5371  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5576

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**INTRODUCTION & FIRST READING**

SB 5031 by Senators Wellman, Braun, Dhingra, Hunt, Kuderer, Nguyen, Nobles and Wilson, C.

AN ACT Relating to safety net award distributions for students receiving special education services outside of the state of Washington; and amending RCW 28A.150.392.

Referred to Committee on Education.

SSB 5033 by Senate Committee on Law & Justice (originally sponsored by Padden, Van De Wege, Dhingra, Hasegawa, Kuderer and Wellman)

AN ACT Relating to reclassifying the sentence for the crime of custodial sexual misconduct; amending RCW 9A.44.160, 9A.44.170, and 9.94A.515; creating a new section; and prescribing penalties.

Referred to Committee on Community Safety, Justice, & Reentry.

E2SSB 5045 by Senate Committee on Ways & Means (originally sponsored by Kuderer, Dhingra, Holy, Hunt, Lias, Nguyen,

Nobles, Randall, Rolfes, Shewmake, Wellman and Wilson, C.)

AN ACT Relating to incentivizing rental of accessory dwelling units to low-income households; amending RCW 84.36.400; creating new sections; and providing an expiration date.

Referred to Committee on Housing.

SB 5070 by Senators Nobles, Dhingra, Frame, Hasegawa, Nguyen and Wilson, C.

AN ACT Relating to victims of nonfatal strangulation; amending RCW 7.68.803; providing an effective date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

ESSB 5111 by Senate Committee on Labor & Commerce (originally sponsored by Keiser, Conway, Kuderer, Randall and Robinson)

AN ACT Relating to requiring payment for accrued and unused sick leave for certain construction workers; amending RCW 49.46.210 and 49.46.180; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

SB 5163 by Senators Rivers, Dhingra, Hasegawa, Keiser, Kuderer, Mullet and Muzzall

AN ACT Relating to the medicaid fraud false claims act; repealing RCW 43.131.419 and 43.131.420; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

SB 5166 by Senators Boehnke, Mullet, Conway, Short and Warnick

AN ACT Relating to reauthorizing the business and occupation tax deduction for cooperative finance organizations; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

ESSB 5179 by Senate Committee on Health & Long Term Care (originally sponsored by Pedersen, King, Cleveland, Dhingra, Frame, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Mullet, Nobles, Robinson, Saldaña, Stanford, Valdez, Van De Wege, Wellman and Wilson, C.)

AN ACT Relating to increasing access to the provisions of the Washington death with dignity act; amending RCW 70.245.010, 70.245.020, 70.245.030, 70.245.040, 70.245.050, 70.245.060, 70.245.070, 70.245.080, 70.245.090, 70.245.100, 70.245.110, 70.245.120, 70.245.150, 70.245.180, 70.245.190, 70.245.220, and 70.41.520; adding a new section to chapter 70.245 RCW; and adding a new section to chapter 70.127 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5229 by Senate Committee on Ways & Means (originally sponsored by Frame, Warnick, Kuderer, Lovelett, Nobles, Randall, Salomon, Shewmake and Torres)

AN ACT Relating to accelerating rural job growth and promoting economic recovery across Washington through site readiness grants; amending RCW 43.160.060 and 43.160.900; and creating a new section.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

SSB 5235 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Shewmake, Frame, Lovelett, Nguyen, Pedersen and Salomon)

AN ACT Relating to accessory dwelling units; amending RCW 36.70A.696, 36.70A.697, and 36.70A.698; reenacting and amending RCW 36.70A.070; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Housing.

SB 5252 by Senators Valdez, Padden, Kuderer, Nobles and Wilson, C.

AN ACT Relating to modifications necessary to comply with federal regulations regarding dissemination of federal bureau of investigation criminal history record information; and amending RCW 18.88B.080, 43.43.832, 43.43.837, and 74.39A.056.

Referred to Committee on Human Services, Youth, & Early Learning.

SSB 5275 by Senate Committee on Ways & Means (originally sponsored by Robinson, Hunt, Keiser, Lovick, Nobles, Randall, Wellman and Wilson, C.)

AN ACT Relating to expanding access to benefits provided by the school employees' benefits board; amending RCW 41.05.011, 41.05.050, 41.05.080, 41.05.195, and 41.05.740; reenacting and amending RCW 41.05.021; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Appropriations.

SB 5287 by Senators Wilson, J., Nguyen, Hasegawa, Lovelett, Lovick, Nobles, Schoesler and Wellman

AN ACT Relating to a study on the recycling of wind turbine blades; creating a new section; and providing an expiration date.

Referred to Committee on Environment & Energy.

ESSB 5294 by Senate Committee on Ways & Means (originally sponsored by Rolfes and Van De Wege)

AN ACT Relating to actuarial funding of state retirement systems; amending RCW 41.45.150; amending 2021 c 334 s 747 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

SB 5319 by Senators Stanford, Dozier, Mullet and Wilson, C.

AN ACT Relating to pet insurance; adding a new chapter to Title 48 RCW; and providing an effective date.

Referred to Committee on Consumer Protection & Business.

ESSB 5320 by Senate Committee on Labor & Commerce (originally sponsored by Saldaña, Keiser, King, Randall and Wilson, C.)

AN ACT Relating to journey level electrician certifications of competency; amending RCW 19.28.191; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

ESB 5341 by Senators Muzzall, Shewmake, Van De Wege, Torres, Warnick, Kuderer, Lias, Stanford and Wilson, C.

AN ACT Relating to creating a location-based branding and promotion program for Washington food and agricultural products; adding a new chapter to Title 15 RCW; and repealing RCW 15.105.005, 15.105.010, 15.105.020, 15.105.030, 15.105.040, 15.105.050, 15.105.060, and 15.105.901.

Referred to Committee on Agriculture and Natural Resources.

SB 5350 by Senators Conway, Hasegawa, Lovick, Robinson, Wagoner, Pedersen, Keiser, Randall, Van De Wege, Lias, Cleveland, Frame, Hawkins, Holy, Hunt, Kuderer, Lovelett, Mullet, Muzzall, Nguyen, Nobles, Saldaña, Shewmake, Stanford, Trudeau, Valdez, Warnick, Wilson, C. and Wilson, L.

AN ACT Relating to providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; amending RCW 41.32.4992 and 41.40.1987; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

SB 5385 by Senators Lias, Holy, Saldaña, Shewmake and Wilson, C.

AN ACT Relating to work performed by institutions of higher education; and amending RCW 28B.10.350 and 28B.50.330.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5542 by Senate Committee on Law & Justice (originally sponsored by Wilson, J., Rolfes, Fortunato, Shewmake, Hunt, Wilson, C., Cleveland, Lovick, Valdez, Padden, Gildon, Braun, Lovelett, Nguyen, Salomon and Wilson, L.)

AN ACT Relating to preventing the destruction of electric vehicle supply equipment; reenacting and amending RCW 19.290.010; and creating a new section.

Referred to Committee on Consumer Protection & Business.

SB 5553 by Senators Lovelett, Robinson, Conway, Nguyen, Nobles, Wellman and Wilson, C.

AN ACT Relating to authorizing standards for temporary emergency shelters for local adoption; and amending RCW 19.27.042.

Referred to Committee on Local Government.

SJM 8005 by Senators Hasegawa and Wilson, C.

Addressing "de-risking" by financial institutions.

Referred to Committee on Consumer Protection & Business.

There being no objection, the bills 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. 1176, by Representatives Slatter, Fitzgibbon, Berry, Walen, Ramel, Leavitt, Taylor, Callan, Macri, Ryu, Reeves, Reed, Mena, Chopp, Duerr, Thai, Wylie, Ortiz-Self, Stonier, Pollet and Tharinger**

**Developing opportunities for service and workforce programs to support climate-ready communities.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1176 was substituted for House Bill No. 1176 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1176 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 Slatter and Ybarra spoke in favor of the passage of the bill.

### MOTIONS

On motion of Representative Ramel, Representative Paul was excused.

On motion of Representative Griffey, Representative Klicker was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1176.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1176, and the bill passed the House by the following vote: Yeas, 59; Nays, 37; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters and Wilcox

Excused: Representatives Klicker and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1176, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1681, by Representatives Stearns, Lekanoff, Davis, Leavitt, Reeves, Pollet and Orwall**

**Concerning problem gambling.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1681 was substituted for House Bill No. 1681 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1681 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 Stearns and Chambers spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1681.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1681, and the bill passed the House by the following vote: Yeas, 80; Nays, 16; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Ryu, Sandlin, Santos, Schmick, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, Christian, Couture, Graham, Griffey, Jacobsen, Low, McClintock, McEntire, Orcutt, Rule, Schmidt, Shavers, Timmons, Volz and Walsh

Excused: Representatives Klicker and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1681, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1452, by Representatives Timmons, Harris, Simmons, Rude, Doglio, Pollet, Bateman and Leavitt**

**Establishing a state medical reserve corps.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1452 was substituted for House Bill No. 1452 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1452 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 Timmons and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1452.

### ROLL CALL



The Clerk called the roll on the final passage of Second Substitute House Bill No. 1452, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1452, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1109, by Representatives Senn, Stonier, Rude, Taylor, Slatter, Callan, Doglio, Orwall, Caldier, Simmons, Timmons, Reeves, Couture, Thai, Bergquist, Ortiz-Self, Pollet, Santos, Kloba and Davis**

**Providing funding for school districts for special education.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1109 was substituted for House Bill No. 1109 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1109 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 Senn and Couture spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1109.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1109, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representative Ybarra

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1109, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1783, by Representatives Sandlin, Maycumber, Couture, Chapman, Dent, Eslick and Volz**

**Supporting economic development in distressed areas through hiring of grant writers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1783 was substituted for House Bill No. 1783 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1783 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 Sandlin and Ryu spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1783.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1783, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1783, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

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

#### SECOND READING

**HOUSE BILL NO. 1435, by Representatives Bronoske, Taylor, Bateman, Ryu, Riccelli, Gregerson, Callan, Pollet, Simmons, Reeves and Doglio**

**Developing a home care safety net assessment.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1435 was substituted for House Bill No. 1435 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1435 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 Bronoske and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1435.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1435, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire, Orcutt and Walsh

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1435, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

**HOUSE BILL NO. 1258, by Representatives Ryu, Volz, Steele, Walen, Reeves, Waters, Chambers, Reed, Christian, Cortes, Callan, Schmidt, Barkis and Fosse**

**Increasing tourism to Washington state through enhancement of the statewide tourism marketing account and changing necessary match requirements.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1258 was substituted for House Bill No. 1258 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1258 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 Ryu, Volz, Steele, Rule and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1258.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1258, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1258, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1002, by Representatives Leavitt, Thai, Ryu, Berry, Reed, Lekanoff, Senn, Doglio, Reeves, Bronoske, Kloba and Riccelli**

**Increasing the penalty for hazing.**

The bill was read the second time.

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

Representatives Leavitt and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1002.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1002, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

HOUSE BILL NO. 1002, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1512, by Representatives Mosbrucker, Orwall, Simmons, Jacobsen, Leavitt, Rule, Gregerson, Eslick, Graham, Doglio, Reed and Morgan**

**Providing tools and resources for the location and recovery of missing persons.**

The bill was read the second time.

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

Representatives Mosbrucker and Lekanoff spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1512.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1512, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

HOUSE BILL NO. 1512, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1679, by Representatives Rule, Eslick, Reeves, Gregerson and Pollet**

**Modifying and extending requirements of a work group convened to address the needs of students in foster care, experiencing homelessness, or both.**

The bill was read the second time.

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

Representatives Rule and Eslick spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1679.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1679, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh

Excused: Representatives Klicker and Paul

HOUSE BILL NO. 1679, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1057, by Representatives Stokesbary, Fitzgibbon, Leavitt, Simmons, Rude, Bateman, Pollet, Street, Goodman, Robertson, Macri, Donaghy, Bronoske, Paul, Bergquist, Wylie, Kloba and Ormsby**

**Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1057 was substituted for House Bill No. 1057 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1057 was read the second time.

Representative Bergquist moved the adoption of amendment (101):

On page 4, line 38, after "41.45.105." insert "The rate for benefit improvements that became effective after June 30, 2009, shall not include a rate for the improvements in this act until July 1, 2027."

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

Amendment (101) 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 Stokesbary and Bergquist spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1057.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1057, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1057, having received the necessary constitutional majority, was declared passed.

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

**MESSAGE FROM THE SENATE**

Wednesday, March 1, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5114  
 ENGROSSED SENATE BILL NO. 5355  
 SENATE BILL NO. 5419  
 SUBSTITUTE SENATE BILL NO. 5453  
 SENATE BILL NO. 5457  
 SUBSTITUTE SENATE BILL NO. 5490  
 SENATE BILL NO. 5531  
 SENATE BILL NO. 5550  
 SUBSTITUTE SENATE BILL NO. 5743

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

**SECOND READING**

**HOUSE BILL NO. 1732, by Representatives Bergquist, Stonier, Ormsby and Macri**

**Changing the inflation adjustment index for state salary allocations to schools.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1732 was substituted for House Bill No. 1732 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1732 was read the second time.

Representative Bergquist moved the adoption of amendment (113):

On page 2, line 31, after "year," strike "3.8" and insert "3.7"

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

Amendment (113) 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 Bergquist spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1732.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1732, and the bill passed the House by the following vote: Yeas, 66; Nays, 30; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Klicker and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1732, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1525, by Representatives Fosse, Lekanoff, Farivar, Shavers, Thai, Taylor, Hansen, Alvarado, Senn, Hackney, Wylie, Duerr, Leavitt, Berg, Stearns, Peterson, Macri, Berry, Cortes, Low, Schmidt, Stonier, Kloba, Robertson, Gregerson, Riccelli, Doglio, Waters, Cheney, Orwall, Connors, Ybarra, Bronoske, Dent, Morgan, Ramel, Donaghy, Goodman, Ryu, Fey, Reed, Davis, Timmons, Street, Simmons, Fitzgibbon, Christian, Santos, Rule, Abbarno, Sandlin, Chopp, Bateman, Rude, Eslick, Ormsby, Reeves, Barkis, Graham, Pollet, Ortiz-Self, Callan and Bergquist**

**Concerning eligibility for working connections child care benefits for persons participating in state registered apprenticeships.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1525 was substituted for House Bill No. 1525 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1525 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 Fosse and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1525.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1525, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt,

Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1525, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1572, by Representatives Springer and Orcutt**

**Concerning venue for actions for the recovery of taxes.**

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.

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

Representatives Springer and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1572.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1572, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1572, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1433, by Representatives Duerr, Ramel, Fitzgibbon, Berry, Reed and Doglio**

**Concerning energy labeling of residential buildings.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1433 was substituted for House Bill No. 1433 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1433 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 Duerr and Doglio spoke in favor of the passage of the bill.

Representatives Connors, Couture, Christian and Maycumber spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1433.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1433, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Klicker and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1433, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1254, by Representatives Street, Reed and Ramel**

**Clarifying ambiguities in statutory provisions administered by the department of revenue relating to periodic adjustments.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1254 was substituted for House Bill No. 1254 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1254 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 Berg and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1254.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1254, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier,

Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1254, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1132, by Representatives Goodman, Rude, Lekanoff, Wylie and Kloba**

**Concerning oversight and training requirements for limited authority Washington peace officers and agencies.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1132 was substituted for House Bill No. 1132 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1132 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 Goodman and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1132.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1132, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1132, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1777, by Representatives Doglio, Fitzgibbon, Duerr, Lekanoff, Stearns, McEntire, Ramel and Pollet**

**Authorizing the use of performance-based contracting for energy services and equipment.**

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1777.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1777, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

HOUSE BILL NO. 1777, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1245, by Representatives Barkis, Robertson, Wylie, Fitzgibbon, Peterson, Walsh, Chambers, Kloba, Gregerson, Graham, Waters, Reed, Walen, Christian, Riccelli, Macri, Bateman and Doglio**

**Increasing housing options through lot splitting.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1245 was substituted for House Bill No. 1245 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1245 was read the second time.

Representative Barkis moved the adoption of amendment (067):

On page 2, line 4, after "section" strike "by July 1, 2024" and insert ", to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130"

On page 2, beginning on line 6, after "(b)" strike all material through "in" on line 7 and insert "In"

On page 2, line 9, after "section" strike "and" and insert ", the requirements of this section"

On page 2, line 18, after "least" strike "1,500" and insert "2,000"

On page 2, line 33, after "than" strike "four" and insert "five"

Representatives Barkis and Peterson spoke in favor of the adoption of the amendment.

Amendment (067) 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 Barkis, Peterson, Hutchins, Senn and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1245.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1245, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Fey and Goehner  
Excused: Representatives Klicker and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1245, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

**HOUSE BILL NO. 1521, by Representatives Bronoske, Stonier, Wylie, Berry and Pollet**

**Concerning the duties of industrial insurance self-insured employers and third-party administrators.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1521 was substituted for House Bill No. 1521 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1521 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 Bronoske and Ortiz-Self spoke in favor of the passage of the bill.

Representative Robertson spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1521.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1521, and the bill passed the House by the following vote: Yeas, 69; Nays, 27; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Dent, Dye, Eslick, Goehner, Graham, Hutchins, Jacobsen, McEntire, Mosbrucker, Robertson, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1521, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1047, by Representatives Mena, Ryu, Berry, Simmons, Duerr, Goodman, Bateman, Reed, Fitzgibbon, Ramel, Doglio, Orwall, Macri, Gregerson, Thai, Stonier, Santos, Riccelli and Ormsby**

**Concerning the use of toxic chemicals in cosmetic products.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1047 was substituted for House Bill No. 1047 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1047 was read the second time.

Representative Barnard moved the adoption of amendment (127):

On page 3, line 22, after "administration" insert "or hydrofluoroolefins approved by the United States environmental protection agency and used as propellants in cosmetics"

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

Representative Doglio spoke against the adoption of the amendment.

Amendment (127) was not adopted.

Representative McClintock moved the adoption of amendment (114):

On page 2, beginning on line 21, after "50-00-0)" strike all material through "formaldehyde" on line 22

On page 3, line 1, after (4) insert "(a)"

On page 3, after line 7, insert the following:

"(b) The department, in consultation with the department of health, must carry out a literature review of studies assessing the human health impacts of formaldehyde-releasing agents or chemicals suspected or known to release formaldehyde. The department must complete its review and submit a report to the appropriate committees of the house of representatives and the senate by December 31, 2023, that describes whether the literature review has found any scientific evidence to support the contention that formaldehyde-releasing agents pose a risk to human health."

Representatives McClintock and Corry spoke in favor of the adoption of the amendment.

Representative Mena spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 43 - YEAS; 53 - NAYS.

Amendment (114) 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.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1047.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1047, and the bill passed the House by the following vote: Yeas, 55; Nays, 41; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Entenman, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Santos, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1047, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1555, by Representatives Lekanoff, Goodman, Pollet, Davis and Doglio**

**Concerning extradition of persons to and from Indian jurisdiction.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1555 was substituted for House Bill No. 1555 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1555 was read the second time.

Representative Goodman moved the adoption of amendment (073):

On page 1, line 6, after "(1)" strike "Any time that this state" and insert "When the state or a political subdivision thereof"

On page 1, line 8, after "in this state," strike "this state" and insert "the state or a political subdivision thereof"

On page 1, beginning on line 10, after "extradition" strike "by this state of persons from within the tribe's jurisdiction" and insert "of persons from within the tribe's jurisdiction by the state or a political subdivision thereof"

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

Amendment (073) 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 Lekanoff and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1555.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1555, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1555, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1260, by Representatives Alvarado, Leavitt, Taylor, Senn, Farivar, Simmons, Davis, Fitzgibbon, Callan, Reeves, Reed, Fey, Gregerson, Cortes, Macri, Fosse, Doglio and Pollet**

**Accelerating stability for people with a work-limiting disability or incapacity.**

The bill was read the second time.



There being no objection, Substitute House Bill No. 1260 was substituted for House Bill No. 1260 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1260 was read the second time.

Representative Couture moved the adoption of amendment (117):

On page 1, beginning on line 5, strike all of section 1

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

On page 2, beginning on line 37, after "(d)" strike all material through "department" on page 3, line 5 and insert "(i) Have countable income as described in RCW 74.04.005 (~~at or below four hundred twenty-eight dollars for a married couple or at or below three hundred thirty-nine dollars for a single individual~~) that meets the standard established by the department, which shall not exceed 100 percent of the federal poverty level; or

(ii) Have income that meets the standard established by the department, who are eligible for the pregnant women assistance program"

On page 3, line 27, after "exist" strike "but is not limited to,"

On page 3, line 31, after "residence" strike "or" and insert "\_((\$))"

On page 3, line 33, after "person" insert ", or when the person is a parent or other relative personally providing care for a minor child or an incapacitated individual living in the same home as the person, and child care or day care would be necessary for the person to participate in substance use disorder treatment, and such care is not available"

On page 7, line 26, after "exist" strike ", but is not limited to,"

On page 7, line 30, after "residence\_" strike "or" and insert "(((\$))"

On page 7, line 32, after "person" insert ", or when the person is a parent or other relative personally providing care for a minor child or an incapacitated individual living in the same home as the person, and child care or day care would be necessary for the person to participate in substance use disorder treatment, and such care is not available"

Correct the title.

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

Amendment (117) 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 Alvarado, Eslick and Couture spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1260.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1260, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Graham, McEntire, Volz and Walsh

Excused: Representatives Klicker and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1590, by Representatives Dent, Eslick and Caldier

**Concerning the membership and subcommittees of the oversight board for children, youth, and families.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1590 was substituted for House Bill No. 1590 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1590 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 and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1590.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1590, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy,

Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1590, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1320, by Representatives Reed, Berry, Ortiz-Self, Ramel, Pollet and Fosse**

**Concerning access to personnel records.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1320 was substituted for House Bill No. 1320 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1320 was read the second time.

Representative Robertson moved the adoption of amendment (106):

On page 4, after line 6, insert the following:

"(d) All employers, whether or not subject to subsections (a) through (c) of this section, may redact personal identifying information of individuals, including but not limited to other employees, customers, and patients, contained in the employee's personnel file."

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

Representative Reed spoke against the adoption of the amendment.

Amendment (106) was not adopted.

Representative Reed moved the adoption of amendment (120):

On page 1, line 20, after "complete" strike ", unredacted"

On page 2, line 3, after "former employee" insert ". The personnel file must be unredacted unless redaction is required under this section"

On page 3, line 6, after "actually" insert "included and"

On page 3, line 7, after "however" insert "the file is"

On page 3, line 13, after "created" insert "and included in a personnel file"

On page 3, line 37, after "RCW." insert "The public employer bears the burden of proving that it redacted only such information as required and is subject to

liability under this section for bad faith redaction."

Representatives Reed and Robertson spoke in favor of the adoption of the amendment.

Amendment (120) was adopted.

Representative Robertson moved the adoption of amendment (105):

On page 2, beginning on line 23, after "may" strike all material through "damages" on line 27 and insert "file a complaint with the department. If, after an investigation, the department finds that an employer failed to comply with the requirements of this section, the department may issue a citation and notice of assessment for civil penalties. Civil penalties"

On page 2, line 33, after "The" strike "statutory damages" and insert "civil penalty"

On page 2, line 34, after "\$500." insert "Civil penalties collected under this section shall be deposited into the supplemental pension fund."

Representatives Robertson, Cheney and Corry spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (105) was not adopted.

Representative Connors moved the adoption of amendment (099):

On page 1, line 16, after "Within" strike "14" and insert "30"

On page 2, line 18, after "within" strike "14" and insert "30"

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

Representative Berry spoke against the adoption of the amendment.

Amendment (099) was not adopted.

Representative Schmidt moved the adoption of amendment (100):

On page 3, line 4, after "records;" insert "and"

On page 3, beginning on line 5, after "agreements" strike all material through "designated" on line 7

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

Representative Fosse spoke against the adoption of the amendment.

Amendment (100) was not adopted.

The bill was ordered engrossed.

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

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

Representative Robertson spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1320.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1320, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Klicker and Paul

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1320, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1457, by Representatives Robertson, Berry, Santos, Reed and Fosse**

**Concerning a motor carrier's ability to access restroom facilities required by rules authorized under chapter 49.17 RCW.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1457 was substituted for House Bill No. 1457 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1457 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 Robertson and Rule spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1457.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1457, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier,

Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Klicker and Paul

SUBSTITUTE HOUSE BILL NO. 1457, having received the necessary constitutional majority, was declared passed.

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

**MOTIONS**

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

- HOUSE BILL NO. 1010
- HOUSE BILL NO. 1167
- HOUSE BILL NO. 1181
- HOUSE BILL NO. 1189
- HOUSE BILL NO. 1200
- HOUSE BILL NO. 1216
- HOUSE BILL NO. 1217
- HOUSE BILL NO. 1274
- HOUSE BILL NO. 1284
- HOUSE BILL NO. 1291
- HOUSE BILL NO. 1306
- HOUSE BILL NO. 1322
- HOUSE BILL NO. 1355
- HOUSE BILL NO. 1369
- HOUSE BILL NO. 1390
- HOUSE BILL NO. 1392
- HOUSE BILL NO. 1394
- HOUSE BILL NO. 1401
- HOUSE BILL NO. 1405
- HOUSE BILL NO. 1406
- HOUSE BILL NO. 1425
- HOUSE BILL NO. 1424
- HOUSE BILL NO. 1447
- HOUSE BILL NO. 1474
- HOUSE BILL NO. 1479
- HOUSE BILL NO. 1570
- HOUSE BILL NO. 1580
- HOUSE BILL NO. 1678
- HOUSE BILL NO. 1707
- HOUSE BILL NO. 1823

There being no objection, HOUSE BILL NO. 1782 was moved from the House Suspension Calendar to the House Second Reading Calendar.

There being no objection, the House adjourned until 9:00 a.m., Thursday, March 2, 2023, the 53rd Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY THIRD DAY

House Chamber, Olympia, Thursday, March 2, 2023

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall 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 Clete Hastings and Maddison Flohr. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Deacon Carla Spaccarotelli, Gloria Dei Lutheran Church, Olympia.

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**

Wednesday, March 1, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5010  
 SENATE BILL NO. 5069  
 SECOND SUBSTITUTE SENATE BILL NO. 5120  
 SUBSTITUTE SENATE BILL NO. 5127  
 SUBSTITUTE SENATE BILL NO. 5189  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5217  
 SUBSTITUTE SENATE BILL NO. 5300  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5326  
 SUBSTITUTE SENATE BILL NO. 5374  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5447  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5466  
 SECOND SUBSTITUTE SENATE BILL NO. 5555  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5583  
 SUBSTITUTE SENATE BILL NO. 5586  
 SUBSTITUTE SENATE BILL NO. 5604  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5614

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**INTRODUCTION & FIRST READING**

ESSB 5050 by Senate Committee on Health & Long Term Care (originally sponsored by Wellman, Hunt, Keiser, Kuderer, McCune, Nobles, Rolfes, Wagoner and Wilson, C.)

AN ACT Relating to informed consent for breast implant surgery; adding a new section to chapter 18.130 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5054 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Dhingra, Nobles, Saldaña, Valdez and Wilson, C.)

AN ACT Relating to promoting and facilitating the use of professional learning communities; amending RCW 28A.150.205, 28A.415.430, and 28A.415.434; and creating a new section.

Referred to Committee on Education.

SB 5066 by Senators Short, Rolfes, Cleveland and Conway

AN ACT Relating to clarifying that health care benefit managers must file contracts with health carriers with the office of the insurance commissioner; amending RCW 48.200.040; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

E2SSB 5080 by Senate Committee on Ways & Means (originally sponsored by Saldaña, Conway, Frame, Hasegawa, Kuderer, Lovelett, Nguyen, Nobles and Stanford)

AN ACT Relating to expanding and improving the social equity in cannabis program; amending RCW 43.330.540, 69.50.331, 69.50.335, 69.50.345, and 69.50.345; providing an effective date; and providing an expiration date.

Referred to Committee on Regulated Substances & Gaming.

SSB 5114 by Senate Committee on Human Services (originally sponsored by Wilson, C., Trudeau, Frame, Hasegawa, Kuderer, Liias, Lovelett, Nguyen, Nobles, Pedersen, Randall, Saldaña, Stanford, Valdez, Warnick and Wellman)

AN ACT Relating to supporting adults with lived experience of sex trafficking; adding a new section to chapter 43.280 RCW; and creating a new section.

Referred to Committee on Human Services, Youth, & Early Learning.

SSB 5126 by Senate Committee on Ways & Means (originally sponsored by Pedersen, Hawkins, Wellman and Wilson, C.)

AN ACT Relating to providing common school trust revenue to small school districts; and amending RCW 28A.515.320.

Referred to Committee on Capital Budget.

SSB 5182 by Senate Committee on State Government & Elections (originally sponsored by Nguyen, Hunt, Boehnke, Keiser, MacEwen, Nobles, Shewmake, Trudeau, Wilson, C. and Wilson, J.)

AN ACT Relating to procedures and deadlines for candidate filing; amending RCW 29A.24.050, 29A.24.040, 29A.24.070, 29A.24.081, 29A.24.091, 29A.24.131, and 29A.32.230; reenacting and amending RCW 29A.16.040; adding a new section to chapter 29A.24 RCW; and adding a new section to chapter 29A.32 RCW.

Referred to Committee on State Government & Tribal Relations.

SB 5240 by Senators Braun, Keiser and Mullet

AN ACT Relating to unemployment insurance benefits appeal procedures; amending RCW 50.32.040; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

SB 5242 by Senators Cleveland, Robinson, Dhingra, Frame, Hasegawa, Hunt, Keiser, Lovelett, Nobles, Pedersen, Randall, Saldaña, Salomon, Stanford, Valdez, Wellman and Wilson, C.

AN ACT Relating to prohibiting cost sharing for abortion; amending RCW 48.43.073; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5256 by Senate Committee on Human Services (originally sponsored by Saldaña, Wilson, C., Frame, Hasegawa, Hunt, Kuderer, Lovelett, Lovick, Nguyen, Nobles, Robinson, Valdez and Wellman)

AN ACT Relating to making permanent and expanding the child welfare housing assistance program; amending RCW 74.13.802; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services, Youth, & Early Learning.

SB 5280 by Senators Frame, Boehnke, Hunt, Kuderer, Lovelett, Lovick, Nguyen, Nobles, Saldaña, Wellman and Wilson, C.

AN ACT Relating to the duty of clergy to report child abuse or neglect; amending RCW 26.44.030; and reenacting and amending RCW 26.44.020.

Referred to Committee on Human Services, Youth, & Early Learning.

ESB 5355 by Senators Wilson, C., Kuderer, Lovelett, Nguyen, Randall, Valdez and Wellman

AN ACT Relating to mandating instruction on sex trafficking prevention and identification for students in grades seven through 12; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

ESSB 5365 by Senate Committee on Labor & Commerce (originally sponsored by Saldaña, Lias, Billig, Dhingra, Hunt, Lovelett, Nguyen, Pedersen, Randall, Robinson, Stanford, Valdez, Wellman and Wilson, C.)

AN ACT Relating to the purchase, use, and possession of vapor and tobacco products by minors; amending RCW 70.155.100, 70.155.110, and 70.345.160; reenacting and amending RCW 70.155.120; creating new sections; and repealing RCW 70.155.080 and 70.345.140.

Referred to Committee on Regulated Substances & Gaming.

SB 5370 by Senators Wagoner, Dhingra, Van De Wege and Wilson, C.

AN ACT Relating to adult protective services; and amending RCW 74.34.020, 74.34.063, 74.34.095, and 68.50.105.

Referred to Committee on Human Services, Youth, & Early Learning.

ESSB 5371 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Lovelett, Shewmake, Hasegawa, Hunt, Keiser, Kuderer, Nguyen,

Pedersen, Randall, Robinson, Rolfes, Saldaña, Valdez, Wellman and Wilson, C.)

AN ACT Relating to protecting southern resident orcas from vessels; amending RCW 77.15.740, 77.65.615, and 77.15.815; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture and Natural Resources.

SB 5394 by Senators Randall, Dhingra, Keiser, Nguyen, Stanford, Valdez and Wilson, C.

AN ACT Relating to malpractice insurance for international medical graduate supervisors; and amending RCW 18.71.095.

Referred to Committee on Health Care & Wellness.

SSB 5396 by Senate Committee on Health & Long Term Care (originally sponsored by Wilson, L., Boehnke, Frame, Hunt, Kauffman, Kuderer, Rivers, Rolfes, Shewmake, Valdez and Warnick)

AN ACT Relating to cost sharing for diagnostic and supplemental breast examinations; amending RCW 48.20.393, 48.21.225, 48.44.325, and 48.46.275; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5405 by Senate Committee on Labor & Commerce (originally sponsored by King, Keiser and Wilson, C.)

AN ACT Relating to modifying the liquor and cannabis board's subpoena authority relating to cannabis investigations; and amending RCW 66.08.145.

Referred to Committee on Regulated Substances & Gaming.

SB 5419 by Senators Gildon, Billig, Lias, Mullet and Wilson, C.

AN ACT Relating to removing the requirement that the Washington state institute of public policy conduct an outcome evaluation of case aides who provide short-term relief for certain foster families; and amending RCW 74.13.270.

Referred to Committee on Human Services, Youth, & Early Learning.

SB 5452 by Senators Shewmake, Billig, Hasegawa, Kuderer, Lias, Nguyen, Pedersen, Saldaña and Valdez

AN ACT Relating to authorizing impact fee revenue to fund improvements to bicycle and pedestrian facilities; amending RCW 82.02.090; and creating a new section.

Referred to Committee on Local Government.

SSB 5453 by Senate Committee on Law & Justice (originally sponsored by Keiser, Dhingra, Cleveland, Nguyen, Saldaña and Valdez)

AN ACT Relating to female genital mutilation; amending RCW 18.130.180 and 9A.04.080; reenacting and amending RCW 26.44.020; adding new sections to chapter 9A.36 RCW; adding a new section to chapter 18.130 RCW; adding a new section to chapter 43.70 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

SB 5457 by Senators Short, Lovelett, Kuderer and Shewmake

AN ACT Relating to implementing growth management task force legislative recommendations regarding small cities; and reenacting and amending RCW 36.70A.130.

Referred to Committee on Local Government.

SB 5459 by Senators Hunt, Kuderer, Valdez and Wilson, C.

AN ACT Relating to requests for records containing election information; amending RCW 29A.08.105 and 42.56.420; adding a new section to chapter 42.56 RCW; creating a new section; and repealing RCW 29A.60.290.

Referred to Committee on State Government & Tribal Relations.

ESB 5462 by Senators Liias, Wilson, C., Kuderer, Lovelett, Nguyen, Pedersen, Randall, Saldaña and Valdez

AN ACT Relating to promoting inclusive learning standards and instructional materials in public schools; amending RCW 28A.150.230, 28A.320.230, 28A.655.070, 28A.710.040, and 28A.715.020; adding a new section to chapter 28A.345 RCW; and creating a new section.

Referred to Committee on Education.

SSB 5490 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Conway, Hunt, Lovick, Saldaña and Wilson, C.)

AN ACT Relating to health care coverage for retired or disabled employees denied coverage for failure to timely notify the authority of their intent to defer coverage; adding a new section to chapter 41.05 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

SB 5531 by Senators King, Shewmake and Nobles

AN ACT Relating to special use permits for milk product haulers; and amending RCW 46.44.0941.

Referred to Committee on Transportation.

SB 5550 by Senators Liias, Randall, Valdez, Lovick, Wilson, C., Lovelett, Kauffman, Shewmake, Hasegawa, Hunt, Keiser, Nguyen, Nobles, Robinson and Van De Wege

AN ACT Relating to addressing workforce development issues, including cultural issues, at the Washington state ferries; reenacting and amending RCW 47.60.005; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

SSB 5565 by Senate Committee on Ways & Means (originally sponsored by Schoesler, Rolfes, Dozier, Nobles and Wellman)

AN ACT Relating to modifying tax and revenue laws by making technical corrections, clarifying ambiguities, easing compliance burdens for taxpayers, and providing administrative efficiencies; amending RCW 19.150.060, 19.150.080, 19.240.080, 19.240.900, 35.90.020, 59.18.312, 59.18.595, 63.30.040, 82.04.4489, 82.14.070, 82.32.045, 82.32.105, 82.60.020, 82.60.049, 82.60.060, 82.60.070, 82.70.900, 82.73.030, 82.90.080, 84.52.120, 84.52.816, 88.02.620, and 88.26.020; reenacting and amending RCW 82.08.0206; creating a new section; repealing RCW 82.12.02088, 82.27.060, and 82.70.050; and providing an expiration date.

Referred to Committee on Finance.

ESSB 5576 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Kuderer, Lovelett, Nobles, Saldaña, Trudeau, Valdez and Wilson, C.)

AN ACT Relating to sexual assault procedures; and amending RCW 43.43.754 and 9A.44.020.

Referred to Committee on Community Safety, Justice, & Reentry.

SSB 5581 by Senate Committee on Health & Long Term Care (originally sponsored by Muzzall, Robinson, Braun, Rivers, Warnick, Cleveland, Hasegawa, Kuderer, Lovelett, Shewmake, Wilson, C., Wilson, J. and Wilson, L.)

AN ACT Relating to developing strategies to reduce or eliminate cost sharing for maternity care services and postpartum care; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SB 5606 by Senators Lovick, Conway, Keiser, Valdez and Wilson, C.

AN ACT Relating to deterring illegal racing; amending RCW 46.61.530, 46.55.360, and 46.55.370; reenacting and amending RCW 46.55.113; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

SSB 5617 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Nguyen, Hasegawa, Liias, Lovelett, Nobles and Wilson, C.)

AN ACT Relating to career and technical education course equivalencies; amending RCW 28A.230.097 and 28A.300.236; reenacting and amending RCW 28A.700.070; and adding a new section to chapter 28A.245 RCW.

Referred to Committee on Education.

SSB 5627 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Hunt)

AN ACT Relating to salaries for county commissioners and councilmembers; and amending RCW 36.17.024.

Referred to Committee on Local Government.

SSB 5648 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Randall, Nguyen, Nobles and Wilson, C.)

AN ACT Relating to including state-tribal education compact schools and charter schools as entities able to receive waivers from the state board of education and the office of the superintendent of public instruction under the authority of RCW 28A.300.750; and amending RCW 28A.300.750.

Referred to Committee on Education.

SSB 5709 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Torres, Hunt, Schoesler and Dozier)

AN ACT Relating to irrigation district elections; amending RCW 87.03.031, 87.03.032, 87.03.033, 87.03.045, 87.03.051, 87.03.071, 87.03.075, 87.03.085, and 87.03.105; adding new sections to chapter 87.03 RCW; and prescribing penalties.

Referred to Committee on State Government & Tribal Relations.

SSB 5720 by Senate Committee on Business, Financial Services, Gaming & Trade (originally sponsored by Stanford)

AN ACT Relating to risk mitigation in property insurance; and amending RCW 48.18.558 and 48.19.530.

Referred to Committee on Consumer Protection & Business.

SSB 5729 by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Cleveland, Hasegawa, Hunt, Kuderer, Nguyen, Shewmake, Stanford, Valdez and Wilson, C.)

AN ACT Relating to removing the expiration date on the cost-sharing cap for insulin; and amending RCW 48.43.780.

Referred to Committee on Health Care & Wellness.

SSB 5743 by Senate Committee on Transportation (originally sponsored by Lias and Billig)

AN ACT Relating to making certain nonsubstantive, corrective changes resulting from enactment of chapter 182, Laws of 2022 (transportation resources); amending RCW 81.104.170, 81.104.175, 47.04.380, 47.04.390, 46.68.480, 43.84.092, 43.84.092, 47.66.140, and 43.392.040; reenacting and amending RCW 47.04.010; adding a new section to chapter 47.04 RCW; creating new sections; recodifying RCW 47.24.060; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

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 sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1424, by Representatives Berg, Walen, Simmons, Kloba, Street, Taylor, Alvarado, Bateman, Stonier, Paul, Fosse, Macri, Reed, Berry, Senn, Duerr, Riccelli, Doglio, Callan, Peterson, Fitzgibbon, Stearns, Ortiz-Self, Goodman, Thai, Springer, Gregerson, Ramel, Bergquist and Pollet**

**Concerning consumer protection with respect to the sale and adoption of dogs and cats.**

The bill was read the second time.

Representative Connors moved the adoption of the striking amendment (088):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 16.52.360 and 2021 c 76 s 1 are each amended to read as follows:

(1) Except as provided in this section, a retail pet store may not sell or offer for sale any dog or cat.

(2) A retail pet store that sold or offered for sale any dog or cat prior to July 25, 2021, may sell or offer for sale a dog or cat only if the retail pet store meets the following requirements:

(a) Any dog or cat sold or offered for sale must be sold or offered for sale only at the address identified on the retail pet store's business license, as defined in RCW 19.02.020;

(b) Any dog sold or offered for sale must be obtained either:

(i) Directly from a breeder, including an out-of-state breeder, who satisfies the requirements of RCW 16.52.310; or

(ii) From a United States department of agriculture licensed broker pursuant to the federal animal welfare act, Title 7 U.S.C. Sec. 2131 et seq. as amended, that obtains dogs from a breeder in compliance with this section. A licensed broker shall provide all breeder documentation required by a breeder under this section as well as any applicable federal and state license numbers for the breeder or the broker;

(c) Any dog sold or offered for sale must possess documentation obtained from its breeder, either directly or through a United States department of agriculture licensed broker, demonstrating:

(i) The dog was not separated from its mother prior to the age of eight weeks; and

(ii) The breeder's compliance with RCW 16.52.310 on the date the dog was obtained from the breeder;

(d) A retail pet store shall, prior to obtaining a dog from a breeder or a broker, obtain all inspection reports for the breeder created by the United States department of agriculture within the previous three years, if applicable. A retail pet store shall maintain and, upon request, produce the records for a period of five years following the sale of a dog obtained from a breeder or broker;

(e) Any advertisement, including website postings, offering to sell a dog or cat must include:

(i) A range of prices at which a dog or cat, breed of dog or cat, or dogs or cats having other distinguishing traits are offered for sale;

(ii) The age of the dog or cat; and

(iii) Supporting documentation providing the applicable federal or state license numbers for the breeder of the dog or cat, if applicable;

(f) The retail pet store shall post in a location visible from the entrance of the retail pet store on a kiosk or other form of bulletin board the purchase price, age, and the following information on the dog's breeder or cat's breeder:

(i) Full name;

(ii) Kennel name, if applicable;

(iii) City and state; and

(iv) Any applicable state or federal license numbers; and

(g) The retail pet store shall disclose to a prospective consumer in writing, prior to the sale of a dog or cat, the following information about the dog or cat:

(i) The purchase price of the dog or cat; and

(ii) Any applicable federal or state license numbers and an unredacted list of all violations of any federal or state law the dog breeder or cat breeder received in the previous two years on a federal or state inspection report.

(3) A retail pet store may provide space and appropriate care for animals, including dogs and cats, owned by an animal care and control agency or animal rescue group for the purpose of adopting those animals to the public. Each retail pet store shall display

on each cage or pen containing a dog or cat a label stating the certificate of source, including the name and address of the animal care and control agency or animal rescue group.

(4) (a) A retail pet store that violates this section is subject to a civil penalty of \$250.

(i) Civil penalties for violations of this section must be paid to the county where the violation occurred.

(ii) Civil penalties issued under this section are appealable to the office of administrative hearings.

(b) Any retail pet store that violates this section three or more times over a one-year period is prohibited from selling or offering to sell any dog or cat.

**Sec. 2.** RCW 16.52.015 and 2011 c 172 s 2 are each amended to read as follows:

(1) Law enforcement agencies and animal care and control agencies may enforce the provisions of this chapter. Animal care and control agencies may enforce the provisions of this chapter in a county or city only if the county or city legislative authority has entered into a contract with the agency to enforce the provisions of this chapter.

(2) Animal control officers enforcing this chapter shall comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers who enforce this chapter and other criminal laws of the state of Washington.

(3) Animal control officers have the following enforcement powers when enforcing this chapter:

(a) The power to issue civil penalties based on violations under section 1 of this act;

(b) The power to issue citations based on probable cause to offenders for civil infractions and misdemeanor and gross misdemeanor violations of this chapter or RCW 9.08.070 through 9.08.078 or 81.48.070;

~~((b))~~(c) The power to cause a law enforcement officer to arrest and take into custody any person the animal control officer has probable cause to believe has committed or is committing a violation of this chapter or RCW 9.08.070 or 81.48.070. Animal control officers may make an oral complaint to a prosecuting attorney or a law enforcement officer to initiate arrest. The animal control officer causing the arrest shall file with the arresting agency a written complaint within ~~((twenty-four))~~24 hours of the arrest, excluding Sundays and legal holidays, stating the alleged act or acts constituting a violation;

~~((e))~~(d) The power to carry nonfirearm protective devices for personal protection;

~~((d))~~(e) The power to prepare affidavits in support of search warrants and to execute search warrants when accompanied by law enforcement officers to investigate violations of this chapter or RCW 9.08.070 or 81.48.070, and to seize evidence of those violations.

(4) Upon request of an animal control officer who has probable cause to believe that a person has violated this chapter or RCW 9.08.070 or 81.48.070, a law enforcement

agency officer may arrest the alleged offender.

**Sec. 3.** RCW 16.52.310 and 2009 c 286 s 2 are each amended to read as follows:

(1) A person may not own, possess, control, or otherwise have charge or custody of more than ~~((fifty))~~50 dogs with intact sexual organs over the age of six months at any time.

(2) Any person who owns, possesses, controls, or otherwise has charge or custody of more than ~~((ten))~~10 dogs with intact sexual organs over the age of six months and keeps the dogs in an enclosure for the majority of the day must at a minimum:

(a) Provide space to allow each dog to turn about freely, to stand, sit, and lie down. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face, or feet touching any side of an enclosure and without touching any other dog in the enclosure when all dogs are lying down simultaneously. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Each enclosure must be at least three times the length and width of the longest dog in the enclosure, from tip of nose to base of tail and shoulder blade to shoulder blade.

(b) Provide each dog that is over the age of four months with a minimum of one exercise period during each day for a total of not less than one hour of exercise during such day. Such exercise must include either leash walking or giving the dog access to an enclosure at least four times the size of the minimum allowable enclosure specified in (a) of this subsection allowing the dog free mobility for the entire exercise period, but may not include use of a cat mill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine. The exercise requirements in this subsection do not apply to a dog certified by a doctor of veterinary medicine as being medically precluded from exercise.

(c) Maintain adequate housing facilities and primary enclosures that meet the following requirements at a minimum:

(i) Housing facilities and primary enclosures must be kept in a sanitary condition. Housing facilities where dogs are kept must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels, and to prevent moisture condensation. Housing facilities must have a means of fire suppression, such as functioning fire extinguishers, on the premises and must have sufficient lighting to allow for observation of the dogs at any time of day or night;

(ii) Housing facilities must enable all dogs to remain dry and clean;

(iii) Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;

(iv) Housing facilities must provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time;

(v) A primary enclosure must have floors that are constructed in a manner that



protects the dogs' feet and legs from injury;

(vi) Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;

(vii) Feces, hair, dirt, debris, and food waste must be removed from primary enclosures at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests, and odors; and

(viii) All dogs in the same enclosure at the same time must be compatible, as determined by observation. Animals with a vicious or aggressive disposition must never be placed in an enclosure with another animal, except for breeding purposes. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision.

(d) Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris, and is readily accessible to all dogs in the enclosure at all times.

(e) Provide veterinary care without delay when necessary. A dog may not be bred if a veterinarian determines that the animal is unfit for breeding purposes. Only dogs between the ages of twelve months and eight years of age may be used for breeding. Animals requiring euthanasia must be euthanized only by a licensed veterinarian.

(3) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor.

(4) This section does not apply to the following:

(a) A publicly operated animal control facility or animal shelter;

(b) A private, charitable not-for-profit humane society or animal adoption organization;

(c) A veterinary facility;

(d) A retail pet store;

(e) A research institution;

(f) A boarding facility; or

(g) A grooming facility.

(5) ~~((Subsection (1) of this section does not apply to a commercial dog breeder licensed, before January 1, 2010, by the United States department of agriculture pursuant to the federal animal welfare act (Title 7 U.S.C. Sec. 2131 et seq.))~~

(6)) For the purposes of this section, the following definitions apply, unless the context clearly requires otherwise:

(a) "Dog" means any member of *Canis lupus familiaris*; and

(b) "Retail pet store" means a commercial establishment that engages in a for-profit business of selling at retail cats, dogs, or other animals to be kept as household pets and is regulated by the United States department of agriculture.

NEW SECTION. **Sec. 4.** A new section is added to chapter 63.10 RCW to read as follows:

A lessor shall not finance a consumer lease for the purchase of a dog or cat. A lease contract entered into on or after the effective date of this section for the purchase of a dog or cat is void and unenforceable and the lessor shall have no right to collect, receive, or retain any principal, interest, or charges related to the lease contract.

NEW SECTION. **Sec. 5.** A new section is added to chapter 63.14 RCW to read as follows:

A retail installment transaction entered into on or after the effective date of this section for the purchase of a dog or cat is void and unenforceable and the retail seller shall have no right to collect, receive, or retain any principal, interest, or charges related to the retail installment transaction.

NEW SECTION. **Sec. 6.** A new section is added to chapter 31.04 RCW to read as follows:

A licensee shall not finance or make a loan for the purchase of a dog or cat. A loan entered into on or after the effective date of this section for the purchase of a dog or cat is void and unenforceable and the licensee shall have no right to collect, receive, or retain any principal, interest, or charges related to the loan."

Correct the title.

Representatives Connors and Berg spoke in favor of the adoption of the striking amendment.

The striking amendment (088) 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 Berg, Corry, McClintock and Chambers spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Leavitt, Representative Paul was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1424.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1424, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker,

Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Dent, Kretz, McEntire and Walsh

Excused: Representative Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1424, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1200, by Representatives Alvarado, Bronoske, Fitzgibbon, Berry, Bateman, Reed, Simmons, Bergquist, Ramel, Doglio, Ormsby, Ortiz-Self, Fosse, Pollet and Chopp**

**Requiring public employers to provide employee information to exclusive bargaining representatives.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1200 was substituted for House Bill No. 1200 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1200 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 Alvarado spoke in favor of the passage of the bill.

Representatives Robertson and Griffey spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1200.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1200, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Tharinger, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1200, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1491, by Representatives Orcutt, Chapman, Berry, Bronoske, Tharinger and Pollet**

**Prohibiting unjustified employer searches of employee personal vehicles.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1491 was substituted for House Bill No. 1491 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1491 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 Orcutt, Fosse, Hutchins and Robertson spoke in favor of the passage of the bill.

Representative McEntire spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1491.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1491, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Caldier, Chandler, Cheney, Corry, Eslick, Hutchins, McEntire, Mosbrucker, Sandlin and Thai

Excused: Representative Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1491, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1658, by Representatives Shavers, Santos, Morgan, Ramel, Taylor and Ormsby**

**Authorizing public high school students to earn elective credit for paid work experience.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1658 was substituted for House Bill No. 1658 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1658 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 Shavers, Rude, Griffey, Santos, Harris and Wilcox spoke in favor of the passage of the bill.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1658.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1658, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Caldier, Graham, Jacobsen and Walsh

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1658, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1308, by Representatives Stonier, Dye, Ortiz-Self, Tharinger, Riccelli, Reed and Pollet**

#### Concerning high school graduation pathway options.

The bill was read the second time.

Representative Steele moved the adoption of amendment (147):

On page 1, beginning on line 4, strike all of section 1

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

On page 3, beginning on line 11, after "multiple" strike all material though "RCW 28A.230.090" on line 20 and insert "pathways to graduating with a meaningful high school diploma that are tailored to the goals of the student"

On page 4, line 39, after "of" insert "state approved"

On page 5, line 6, after "28A.700.030." insert "Approved pathways must align with course sequences that prepare students for aligned, advanced, and continuing education, employment preparation for in-demand occupations, and livable wage careers."

On page 5, beginning on line 9, after "section" strike all material through "(4)" on line 38 and insert "

((2)) (4)"

On page 6, line 3, after "districts" strike ", however,"

On page 6, line 7, after "information" strike "beginning in sixth grade" and insert "to students in grade six"

On page 6, line 11, after "(5)" insert "The office of the superintendent of public instruction shall evaluate approved pathways under subsection (3)(h) of this section and ensure that only pathways meeting state requirements are approved. Pathways approved for local use under subsection (3)(h) of this section must be posted on the website of the office of the superintendent of public instruction.

(6)"

On page 7, line 31, after "education." insert "The state board of education, based upon the findings from its review and monitoring, may revise its graduation pathway implementation rules adopted under RCW 28A.655.250(5)."

On page 7, line 33, after "January 10," strike "2025" and insert "2024"

On page 8, after line 11, insert the following:

**"NEW SECTION. Sec. 4.** (1) By August 1, 2023, the state board of education shall convene a technical working group to provide recommendations to the legislature on expanding the graduation pathways established in RCW 28A.655.250.

(2) The work group shall:

(a) Recommend only additional pathways that are designed to serve each and every student and provide opportunities for students to demonstrate readiness in ways valued by receiving systems, the military, continuing education and training, or employment;

(b) Recommend at least one additional pathway based upon work experience; and

(c) Review graduation pathways and rules related to their implementation for the purpose of informing recommendations for clarity and improvement.

(3) The technical work group must, at a minimum, be composed of the following:

(a) Members from the state board for community and technical colleges;

(b) Members from four-year institutions of higher education;

(c) Members representing the armed services;

(d) Members from associations representing business and labor;

(e) Members representing state-based employers that represent small, medium, and large businesses in high-value economic sectors;

(f) Members representing the Washington state apprenticeship and training council; and

(g) Members representing the education system, including but not limited to, the office of superintendent of public instruction, school directors, school administrators, and educators.

(4) The work group shall provide their recommendations for public comment by November 1, 2023, and in accordance with RCW 43.01.036, report their final recommendations to the education committees of the legislature by December 1, 2023.

(5) Staff support for the work group must be provided by the state board of education.

(6) This section expires December 1, 2023."

Correct the title.

Representatives Steele, Barnard and Corry spoke in favor of the adoption of the amendment.

Representative Stonier spoke against the adoption of the amendment.

Amendment (147) 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.

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

Representatives Steele and Rude spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1308.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1308, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Eslick, Gohner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, McClintock, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representative Paul

HOUSE BILL NO. 1308, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1013, by Representatives Maycumber, Santos, Ybarra, Stonier, Dent, Goodman, Tharinger, Riccelli, Lekanoff, Rude, Walen, Robertson, Mosbrucker, Berry, Stokesbary, Fey, Harris, McClintock, Bronoske, Waters, Duerr, Hackney, Klicker, Kretz, Couture, Barnard, Walsh, Chapman, Griffey, Chopp, Leavitt, Ryu, Low, Barkis, Simmons, Schmidt, Sandlin, Bateman, Reed, Graham, Christian, Timmons, Pollet, Street, Rule, Connors, Cortes, Callan, Doglio, Orwall, Caldier, Reeves, Wylie, Bergquist, Thai, Kloba, Cheney and Ormsby**

#### Establishing regional apprenticeship programs.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1013 was substituted for House Bill No. 1013 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1013 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 Maycumber and Stonier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1013.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1013, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1013, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1074, by Representatives Thai, Macri, Simmons, Ryu, Ramel, Peterson, Lekanoff, Alvarado, Pollet, Cortes, Gregerson, Kloba, Davis and Ormsby**

#### Addressing documentation and processes governing landlords' claims for damage to residential premises.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1074 was substituted for House Bill No. 1074 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1074 was read the second time.

Representative Barkis moved the adoption of amendment (142):

On page 8, line 36, after "fees." insert "However, if the landlord can prove that the landlord provided a written checklist to the tenant at the commencement of the tenancy but that the tenant did not sign or return the checklist, the dwelling unit must be presumed to have been clean and undamaged at the commencement of the tenancy and the landlord is not liable to the tenant for the amount of the deposit under this subsection."

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

Representative Peterson spoke against the adoption of the amendment.

Amendment (142) was not adopted.

Representative Hutchins moved the adoption of amendment (140):

On page 9, line 2, after "premises" insert "by all tenants and any remaining occupants that the landlord is required to give notice to under RCW 59.18.650(3)"

Representatives Hutchins, Barnard and Barkis spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 42 - YEAS; 55 - NAYS.

Amendment (140) was not adopted.

Representative Hutchins moved the adoption of amendment (150):

On page 10, line 7, after "for" strike "the full amount of the deposit" and insert "~~(the full amount of the deposit)~~ any amount of the deposit for which a deduction is not reasonably substantiated by a full and specific statement and any documentation required within the time limits"

Representatives Hutchins, Barnard and Hutchins (again) spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 44 - YEAS; 52 - NAYS.

Amendment (150) was not adopted.

Representative Barkis moved the adoption of amendment (141):

On page 7, beginning on line 36, after "abuse" strike all material through "guest" on line 38

Representatives Barkis and Barkis (again) spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (141) 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 Thai and Thai (again) spoke in favor of the passage of the bill.

Representatives Hutchins, Corry, Griffey, Chambers, Goehner, Jacobsen, Christian, Barnard, McEntire and Barkis spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1074.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1074, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Paul

SUBSTITUTE HOUSE BILL NO. 1074, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1291, by Representatives Fosse, Donaghy, Berry, Street, Ortiz-Self, Ramel, Riccelli, Bergquist, Bateman, Taylor, Macri, Reeves, Doglio, Gregerson, Santos, Reed, Goodman, Kloba and Pollet**

**Expanding collective bargaining for employees who are enrolled in academic programs at public institutions of higher education.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1291 was substituted for House Bill No. 1291 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1291 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 Fosse and Robertson spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representative Morgan was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1291.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1291, and the bill passed the House by the following vote: Yeas, 69; Nays, 27; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Calder, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Griffey, Hutchins, Jacobsen, Klicker, McEntire, Mosbrucker, Orcutt, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh and Ybarra

Excused: Representatives Morgan and Paul

SUBSTITUTE HOUSE BILL NO. 1291, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1570, by Representatives Berry, Ryu, Alvarado, Bateman, Fitzgibbon, Ramel, Doglio, Lekanoff, Reed, Pollet, Macri and Fosse**

**Concerning social insurance programs applicable to transportation network companies and drivers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1570 was substituted for House Bill No. 1570 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1570 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 Berry and Robertson spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1570.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1570, and the bill passed the House by the following vote: Yeas, 87; Nays, 9; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Corry, Dye, Jacobsen, Klicker, McClintock, McEntire, Mosbrucker, Orcutt and Walsh

Excused: Representatives Morgan and Paul

SUBSTITUTE HOUSE BILL NO. 1570, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1478, by Representatives Timmons, Sandlin, Santos, Ryu, Ramel and Pollet**

**Establishing a statement of student rights.**

The bill was read the second time.

With the consent of the House, amendment (139) was withdrawn.

Representative Volz moved the adoption of amendment (148):

On page 1, line 21, after "Washington" insert ", as well as the Declaration of Independence"

On page 2, line 28, after "the" insert "Declaration of Independence and the"

On page 2, line 29, after "Constitution" insert ", "

On page 2, line 36, after "law;" strike "and"

On page 2, line 37, after "laws" insert "; and

(H) The right to life, liberty, and the pursuit of happiness"

Representatives Volz and Santos spoke in favor of the adoption of the amendment.

Amendment (148) was adopted.

Representative Rude moved the adoption of amendment (119):

On page 2, line 10, after "each" strike "public school" and insert "school district, charter school, and state-tribal education compact school"

On page 2, line 16, after "Each" strike "public school" and insert "school district, charter school, and state-tribal education compact school"

Representatives Rude and Santos spoke in favor of the adoption of the amendment.

Amendment (119) was adopted.

Representative Rude moved the adoption of amendment (118):

On page 2, beginning on line 18, after "section." strike all material through "platforms" on line 20 and insert "A link to the materials must be made available on school district, charter school, and state-tribal compact school websites, social media platforms,"

Representatives Rude and Santos spoke in favor of the adoption of the amendment.

Amendment (118) was adopted.

Representative Walsh moved the adoption of amendment (149):

On page 3, line 19, after "(D)" insert "The right to bear arms in defense of self or the state;  
(E) "

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

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

Representative Santos spoke against the adoption of the amendment.

Amendment (149) was not adopted.

The bill was ordered engrossed.

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

Representatives Timmons and Sandlin spoke in favor of the passage of the bill.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1478.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1478, and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Morgan and Paul

ENGROSSED HOUSE BILL NO. 1478, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1577, by Representative Schmick

**Concerning municipal officers' beneficial interest in contracts.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1577 was substituted for House Bill No. 1577 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1577 was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1577.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1577, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy,

Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

SUBSTITUTE HOUSE BILL NO. 1577, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

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

### MESSAGE FROM THE SENATE

Wednesday, March 1, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5001  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5278  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5599

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

### SECOND READING

**HOUSE BILL NO. 1238, by Representatives Riccelli, Harris, Alvarado, Thai, Simmons, Senn, Rude, Reeves, Reed, Walen, Peterson, Ortiz-Self, Ormsby, Taylor, Leavitt, Fitzgibbon, Duerr, Doglio, Berry, Bateman, Morgan, Fey, Ramel, Goodman, Fosse, Pollet, Lekanoff, Macri, Chopp, Stonier, Gregerson and Santos**

**Providing free school meals for all.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1238 was substituted for House Bill No. 1238 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1238 was read the second time.

With the consent of the House, amendment (110) was withdrawn.

Representative Rude moved the adoption of amendment (157):

On page 3, line 25, after "rate." insert "For school districts that are not participating in the school lunch program or the school breakfast program that provided school meals to enrolled students meeting federal eligibility requirements for free and reduced-price lunches during the 2023-24 school year, the state reimbursement

provided under this subsection must be equivalent to the per-meal reimbursement that the school district would have otherwise qualified for if it had been participating in the school lunch program and the school breakfast program."

Representatives Rude and Santos spoke in favor of the adoption of the amendment.

Amendment (157) was adopted.

Representative Sandlin moved the adoption of amendment (107):

On page 4, after line 7, insert the following:

"**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.235 RCW to read as follows:

Public schools, as defined in RCW 28A.150.010, providing school meals to students are encouraged to buy Washington produced food whenever practicable and cost is comparable to non-Washington produced food."

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

Correct the title.

Representatives Sandlin and Santos spoke in favor of the adoption of the amendment.

Amendment (107) 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 Riccelli, Rude, Sandlin, Volz and Berg spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1238.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1238, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Dye, Orcutt and Schmick  
Excused: Representatives Morgan and Paul

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1238, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1436, by Representatives Pollet, Berry, Simmons, Farivar, Orwall, Street, Caldier, Alvarado, Ryu, Reeves, Ortiz-Self, Christian, Kloba, Duerr, Stonier, Bateman, Lekanoff, Berg, Riccelli, Fosse, Macri, Bergquist, Reed, Doglio and Chopp**

### Funding special education.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1436 was substituted for House Bill No. 1436 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1436 was read the second time.

With the consent of the House, amendment (134) was withdrawn.

Representative Pollet moved the adoption of amendment (115):

Beginning on page 8, line 29, strike all of section 6 and insert the following:

"**NEW SECTION. Sec. 6.** (1) The joint legislative audit and review committee and the state auditor must collaborate to conduct a performance audit of the state's system of providing special education services to students with disabilities. The joint legislative audit and review committee and the state auditor may divide responsibility for the work and reporting required in this section as appropriate, and contract with qualified third-party researchers or higher education institutions to perform any aspect of the report and audit. The report and audit must address:

(a) The prevalence of disabilities and whether the provisions and funding for evaluating students and providing services reflects the prevalence of disabilities, including whether any populations are disparately underevaluated or underserved;

(b) The degree to which changes in funding formulas intended to encourage increased inclusion are successful and whether the state and school districts are utilizing best practices to improve inclusion;

(c) Whether the changes in evaluation timelines or increases in the funded enrollment limit have resulted in funding for students who do not have disabilities or in excess of districts' costs to serve students with disabilities;

(d) Whether districts are appropriately accounting for and reporting use of basic education allocations for students with disabilities, including if statutory expectations for use of funds are being met;

(e) The amount of funding from levies or other local sources that school districts continue to utilize under current accounting methodologies in order to meet obligations to provide free and appropriate public education to students with disabilities, the degree to which funding shortfalls will continue following planned increases in



multipliers, proposed changes to accounting methodologies, and the elimination of a cap on the percent of students for whom the state provides funding; and, options for additional changes to funding formulas to eliminate shortfalls in state funding for special education; and

(f) How the state may improve recruitment and retention of certificated educators, instructional aides, or paraeducators and professionals serving students with disabilities.

(2) To develop the appropriate scope, define study questions, and select one or more contractors to complete the performance audit and report, the joint legislative audit and review committee and state auditor shall consult with the office of the superintendent of public instruction, the office of the education ombuds, organizations representing and serving students with disabilities, the Washington state special education advisory council, and labor organizations representing educators providing educational services to students with disabilities in developing study questions and choosing appropriate contractors. To address the study questions, the joint legislative audit and review committee and the state auditor may conduct the audit at a sample of school districts as needed.

(3) The performance audit required by this section must include charter schools to the same extent as school districts.

(4) Upon request, the office of financial management and any state or local agency must provide the joint legislative audit and review committee and the state auditor with education records necessary to conduct the performance audit required under this section. The joint legislative audit and review committee and the state auditor shall be considered authorized representatives of relevant state education authorities, including the superintendent for public instruction and the department of children, youth and families, for the purpose of accessing records for this evaluation. The office of financial management and any state or local agency must provide records within four months from the date of an initial request. The office of financial management or agencies contributing data to the education research and data center must notify the joint legislative audit and review committee and the state auditor's office in writing if they determine a request does not comply with the federal educational rights and privacy act, no later than twenty-one days after the initial request.

(5) Prior to the 2024 legislative session, the joint legislative audit and review committee and the state auditor must identify a lead agency for each element of the report and audit defined in subsection (1)(a) through (f) of this section and any aspects of the study that are being conducted by contractors. These designations must be provided to the governor and the committees of the legislature with jurisdiction over fiscal matters and special education by December 31, 2023.

(6) The joint legislative audit and review committee and the state auditor must, in accordance with RCW 43.01.036, report the study's findings and recommendations to the governor and the committees of the legislature with jurisdiction over fiscal matters and special education by November 30, 2024.

(7) This section expires August 1, 2025."

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

Representatives Pollet and Stokesbary spoke in favor of the adoption of the amendment.

Amendment (115) was adopted.

Representative Chambers moved the adoption of amendment (156):

On page 10, after line 16, insert the following:

"**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) School districts must annually report to the office of the superintendent of public instruction about their use of the base allocation as defined in RCW 28A.150.390(3) for students eligible for and receiving special education.

(2) Reporting under this section must include:

(a) The amount generated by students eligible for and receiving special education shifted to the school district's special education program for expenditure by the office of the superintendent of public instruction.

(b) The amount generated by students eligible for and receiving special education shifted to the school district's special education program for expenditure by the school district.

(c) The amount generated by students eligible for and receiving special education not used for special education. The amount reported under this subsection (c) must include a breakdown by object, program, and activity of how the amount was expended.

(3) The office of the superintendent of public instruction shall develop rules to implement the reporting required under this section."

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

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

Representative Pollet spoke against the adoption of the amendment.

Amendment (156) was not adopted.

Representative Stokesbary moved the adoption of the striking amendment (153):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that students receiving special education services are entitled, under both federal and state law, to a free appropriate public education that enables their full participation.

The legislature also finds that a cap or enrollment limit of 13.5 percent on the number of students receiving special education services that generate state special education funding is not consistent with the state's duty to provide a free appropriate public education.

The legislature further finds that school districts pay for special education services with local funding, creating an inequitable situation for school districts and students. The legislature supports a system of funding that does not require school districts to generate local funding to meet their obligation to provide special education services.

The legislature finds that along with reliable and sufficient state funding, receiving special education services in the least restrictive environment possible is crucial to student success. A recent large-scale study found that students who spend at least 80 percent of their day in a general education setting improved their reading scores by 24 points and math scores by 18 points compared to peers with similar disabilities in less inclusive settings.

The legislature finds that the documented prevalence of disabilities amongst children, particularly amongst vulnerable populations and communities with disparately poor health outcomes and access to health services, indicates that the state should improve access to evaluations for disabilities.

The legislature finds that special education is fully part of the state's statutory program of basic education that is deemed by the legislature to implement Article IX, section 1 of the state Constitution.

The legislature, therefore, intends to fully fund special education services by providing advocacy support for families to help navigate the special education system, increasing the 13.5 percent cap to 15 percent, and increasing the special education multipliers for elementary and secondary students and pre-kindergarten students, thereby giving every school district a funding increase.

The legislature intends to require a comprehensive study of funding and services for students with disabilities, to be completed prior to the 2025 legislative session, to understand if the state is appropriately identifying students with disabilities, identify funding and service gaps, and ensure that funding provided by the state to school districts, charter schools, and other entities for services are being used to meet the needs of students with disabilities.

**Sec. 2.** RCW 28A.150.390 and 2020 c 90 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request

for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 (4)(a), (5), (6), and (8) and 28A.150.415.

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages three and four and those five year olds not yet enrolled in kindergarten who are eligible for and receiving special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by ~~((1.15))~~ 1.2;

(b)(i) Subject to the limitation in (b)(ii) of this subsection (2), a district's annual average enrollment of resident students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten, multiplied by the district's base allocation per full-time equivalent student, multiplied by the special education cost multiplier rate of:

~~(A) ((In the 2019-20 school year, 0.995 for students eligible for and receiving special education.~~

~~(B) Beginning in the 2020-21 school year, either:~~

~~(I) 1.0075)) 1.12 for students eligible for and receiving special education and reported to be in the general education setting for ~~((eighty))~~ 80 percent or more of the school day; or~~

~~((II) 0.995))~~  
~~(B) 1.06 for students eligible for and receiving special education and reported to be in the general education setting for less than ~~((eighty))~~ 80 percent of the school day.~~

(ii) If the enrollment percent exceeds ~~((thirteen and five-tenths))~~ 15 percent, the excess cost allocation calculated under (b)(i) of this subsection must be adjusted by multiplying the allocation by ~~((thirteen and five-tenths))~~ 15 percent divided by the enrollment percent.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident annual average enrollment of students who are eligible for and receiving special education, excluding students ages three and four and those five year olds not yet enrolled in kindergarten and students enrolled in institutional

education programs, as a percent of the district's annual average full-time equivalent basic education enrollment.

**Sec. 3.** RCW 28A.150.392 and 2019 c 387 s 2 are each amended to read as follows:

(1)(a) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390.

(b) If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need.

(2) Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall award additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas.

(b) In the determination of need, the committee shall consider additional available revenues from federal sources.

(c) Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for students eligible for special education and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (e) and (f) of this subsection shall not exceed the total of a district's specific determination of need.

(e) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(f) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (2)(f) shall be adjusted to reflect amounts awarded under (e) of this subsection.

(g) The committee shall then consider the extraordinary high cost needs of one or more individual students eligible for and receiving special education served in residential schools as defined in RCW ((28A.190.020)) 28A.190.005, programs for juveniles under the department of corrections, and programs for juveniles operated by city and county jails to the

extent they are providing a secondary program of education.

(h) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(i) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(j) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(3) The superintendent of public instruction shall adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. By December 1, 2018, the superintendent shall review and revise the rules to achieve full and complete implementation of the requirements of this subsection and subsection (4) of this section including revisions to rules that provide additional flexibility to access community impact awards. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(4) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(5) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(6) Beginning in the ((2019-20)) 2023-24 school year, a high-need student is eligible for safety net awards from state funding under subsection (2)(e) and (g) of this section if the student's individualized education program costs exceed two and

((three)) two-tenths times the average per-pupil expenditure as defined in Title 20 U.S.C. Sec. 7801, the every student succeeds act of 2015.

**NEW SECTION. Sec.** A new section is added to chapter 28A.310 RCW to read as follows:

(1) Subject to amounts appropriated for this specific purpose, each educational service district shall contract for independent special education advocates.

(2) The role of a special education advocate is to:

(a) Serve as a resource for a child with disabilities who is eligible for special education due to the disability and the child's parents and family;

(b) Advocate on behalf of the child for a free and appropriate public education from the public school system that emphasizes special education and related services that are:

(i) Provided in the least restrictive environment;

(ii) Designed to meet the child's unique needs;

(iii) Appropriately ambitious and reasonably calculated to enable

a child to make progress in light of the child's circumstances; and

(iv) Addressing the child's further education, employment, and independent living goals; and

(c) Assist parents with any one or more of the following:

(i) Preparing for a meeting to develop or update their child's individualized education program;

(ii) Attending the individualized education program meetings to help present the parents' concerns, negotiate components that meet the parents' goals and requests, or otherwise assist with the understanding and navigation of the process;

(iii) Attending an individual education program meeting on behalf of the child to assist in writing an appropriate program when a parent opts out or otherwise cannot attend the meeting.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.150 RCW to read as follows:

Beginning July 1, 2025:

(1) It is the policy of the state that for purposes of state funding allocations, students eligible for and receiving special education generate the full basic education allocation under RCW 28A.150.260 and, as a class, are to receive the benefits of this allocation for the entire school day, as defined in RCW 28A.150.203, whether the student is placed in the general education setting or another setting.

(2) The superintendent of public instruction must maintain a full cost method of excess cost accounting to account for expenditures beyond amounts provided through the special education funding formula under RCW 28A.150.390. This method of accounting must shift the following portions of a school district's general apportionment revenue for students eligible for and receiving special education to the school district's special education program for expenditure.

(a) A percentage of a school district's base allocation as defined in RCW 28A.150.390(3) for students eligible for and receiving special education based on their percentage of time served in a special education setting;

(b) To the extent that state special education expenditures in the previous year exceeded state funding provided for that year under RCW 28A.150.390, 28A.150.392, and methods for redirecting general apportionment revenue based on the students' percentage of time served in a special education setting, up to 50 percent of the school district's base allocation as defined in RCW 28A.150.390(3) for students eligible for and receiving special education combining portions under (a) of this subsection.

(3) Unless otherwise prohibited by law, nothing in this section prohibits school districts from using other funding and state allocations above the amounts provided under RCW 28A.150.390 and subsection (2) of this section to serve students eligible for and receiving special education.

(4) The legislature must review any findings and recommendations from the report and audit required under section 7 of this act and adjust formulas in this section as appropriate.

**NEW SECTION. Sec. 5.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) The superintendent of public instruction shall annually review data from local education agencies, including the percentage of students receiving special education services, to ensure there is not a disproportionate identification of students, as defined by the superintendent of public instruction in accordance with federal requirements of the individuals with disabilities education act, 20 U.S.C. Sec. 1400.

(2) The office of the superintendent of public instruction shall provide technical assistance to school districts experiencing issues related to disproportionality and will make available professional development opportunities statewide to support local education agencies, schools, and community partners in promoting inclusionary teaching practices within a multitiered system of supports framework to help safeguard against over-identification and other issues related to disproportionality.

**NEW SECTION. Sec. 6.** (1) The joint legislative audit and review committee and the state auditor must collaborate to conduct a performance audit of the state's system of providing special education services to students with disabilities. The joint legislative audit and review committee and the state auditor may divide responsibility for the work and reporting required in this section as appropriate, and contract with qualified third-party researchers or higher education institutions to perform any aspect of the report and audit. The report and audit must address:

(a) The prevalence of disabilities and whether the provisions and funding for evaluating students and providing services

reflects the prevalence of disabilities, including whether any populations are disparately underevaluated or underserved;

(b) The degree to which changes in funding formulas intended to encourage increased inclusion are successful and whether the state and school districts are utilizing best practices to improve inclusion;

(c) Whether the changes in evaluation timelines or increases in the funded enrollment limit have resulted in funding for students who do not have disabilities or in excess of districts' costs to serve students with disabilities;

(d) Whether districts are appropriately accounting for and reporting use of basic education allocations for students with disabilities, including if statutory expectations for use of funds are being met;

(e) The amount of funding from levies or other local sources that school districts continue to utilize under current accounting methodologies in order to meet obligations to provide free and appropriate public education to students with disabilities, the degree to which funding shortfalls will continue following planned increases in multipliers, proposed changes to accounting methodologies, and the elimination of a cap on the percent of students for whom the state provides funding; and, options for additional changes to funding formulas to eliminate shortfalls in state funding for special education; and

(f) How the state may improve recruitment and retention of certificated educators, instructional aides, or paraeducators and professionals serving students with disabilities.

(2) To develop the appropriate scope, define study questions, and select one or more contractors to complete the performance audit and report, the joint legislative audit and review committee and state auditor shall consult with the office of the superintendent of public instruction, the office of the education ombuds, organizations representing and serving students with disabilities, the Washington state special education advisory council, and labor organizations representing educators providing educational services to students with disabilities in developing study questions and choosing appropriate contractors. To address the study questions, the joint legislative audit and review committee and the state auditor may conduct the audit at a sample of school districts as needed.

(3) The performance audit required by this section must include charter schools to the same extent as school districts.

(4) Upon request, the office of financial management and any state or local agency must provide the joint legislative audit and review committee and the state auditor with education records necessary to conduct the performance audit required under this section. The joint legislative audit and review committee and the state auditor shall be considered authorized representatives of relevant state education authorities, including the superintendent for public instruction and the department of children, youth and families, for the purpose of

accessing records for this evaluation. The office of financial management and any state or local agency must provide records within four months from the date of an initial request. The office of financial management or agencies contributing data to the education research and data center must notify the joint legislative audit and review committee and the state auditor's office in writing if they determine a request does not comply with the federal educational rights and privacy act, no later than twenty-one days after the initial request.

(5) Prior to the 2024 legislative session, the joint legislative audit and review committee and the state auditor must identify a lead agency for each element of the report and audit defined in subsection (1)(a) through (f) of this section and any aspects of the study that are being conducted by contractors. These designations must be provided to the governor and the committees of the legislature with jurisdiction over fiscal matters and special education by December 31, 2023.

(6) The joint legislative audit and review committee and the state auditor must, in accordance with RCW 43.01.036, report the study's findings and recommendations to the governor and the committees of the legislature with jurisdiction over fiscal matters and special education by November 30, 2024.

(7) This section expires August 1, 2025.

NEW SECTION. **Sec. 7.** Sections 2 and 3 of this act take effect September 1, 2023.

NEW SECTION. **Sec. 8.** Section 5 of this act takes effect July 1, 2025.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Representatives Stokesbary, Caldier, Chambers, Orcutt, Ybarra, Robertson, Jacobsen, Couture, Walsh and Wilcox spoke in favor of the adoption of the striking amendment.

Representatives Ormsby, Bergquist, Stonier and Donaghy spoke against the adoption of the striking amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of the striking amendment (153) and the amendment was not adopted by the following vote: Yeas, 44; Nays, 52; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson,

Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Excused: Representatives Morgan and Paul

The striking amendment (153) was not adopted.

The bill was ordered engrossed.

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

Representatives Pollet, Pollet (again), Stokesbary, Christian, McEntire, Stonier, Jacobsen and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1436.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1436, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh

Excused: Representatives Morgan and Paul

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1436, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1515, by Representatives Macri, Davis, Simmons, Orwall, Taylor, Leavitt, Riccelli, Callan, Farivar, Alvarado, Reed, Fosse, Doglio, Berg, Ryu, Peterson, Fitzgibbon, Bateman, Eslick, Ormsby, Stonier and Tharinger**

**Concerning contracting and procurement requirements for behavioral health services in medical assistance programs.**

The bill was read the second time.

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

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

Representative Macri moved the adoption of amendment (143):

On page 4, line 1, after "adopt" strike "standards" and insert "statewide network adequacy standards that are assessed on a regional basis"

On page 4, beginning on line 18, after "for" strike all material through "year" on line 19 and insert "an annual review of the network adequacy standards"

On page 7, line 19, after "shall" strike "develop contracting methods" and insert "in consultation with managed care organizations, review reports and recommendations of the involuntary treatment act workgroup established pursuant to section 103, chapter 302, Laws of 2020 and develop a plan for adding contract provisions"

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

Amendment (143) 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 and Schmick spoke in favor of the passage of the bill.

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

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1515, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

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

**HOUSE BILL NO. 1447, by Representatives Peterson, Gregerson, Berry, Taylor, Simmons, Ortiz-Self, Ryu, Reed, Kloba, Doglio, Ormsby, Thai, Fosse, Pollet, Macri, Alvarado and Leavitt**

**Strengthening the ability of assistance programs to meet foundational needs of children, adults, and families.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1447 was substituted for House Bill No. 1447 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1447 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 Peterson spoke in favor of the passage of the bill.

Representative Eslick spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1447.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1447, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Morgan and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1447, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 1474, by Representatives Taylor, Chopp, Berg, Peterson, Reed, Stonier, Gregerson, Bronoske, Cortes, Mena, Street, Ramel, Fosse, Fey, Goodman, Duerr, Bateman, Morgan, Alvarado, Macri, Senn, Berry, Kloba, Hackney, Springer, Slatter, Callan, Orwall, Farivar, Simmons, Ortiz-Self, Thai, Ryu, Stearns, Wylie, Ramos, Doglio, Riccelli, Chapman, Santos, Davis, Ormsby, Bergquist and Pollet**

**Creating the covenant homeownership account and program to address the history of housing discrimination due to racially restrictive real estate covenants in Washington state.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1474 was substituted for House Bill No. 1474 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1474 was read the second time.

Representative Connors moved the adoption of amendment (175):

On page 3, beginning on line 3, strike all of section 2

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

On page 5, beginning on line 9, after "treasury." strike all material through "account." on line 11 and insert "Revenues to the account shall consist of appropriations and transfers by the

legislature and all other moneys directed for deposit into the account."

On page 5, line 27, after "(1)(a)" strike "The" and insert "Subject to the availability of amounts appropriated for this specific purpose, the"

On page 6, line 18, after "(2)(a)" strike "At" and insert "Subject to the availability of amounts appropriated for this specific purpose, at"

On page 7, line 7, after "**Sec. 6.**" strike "(1)" and insert "Subject to the availability of amounts appropriated for this specific purpose:

(1)"

On page 9, line 20, after "(1)" strike "The" and insert "Subject to the availability of amounts appropriated for this specific purpose, the"

On page 12, beginning on line 22, strike all of section 8

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

Correct the title.

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

Representative Peterson spoke against the adoption of the amendment.

Amendment (175) 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 Taylor, Hackney, Chopp and Alvarado spoke in favor of the passage of the bill.

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

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1474.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1474, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Morgan and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1474, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1406, by Representatives Cortes, Senn, Berry, Ortiz-Self, Goodman, Thai, Alvarado, Simmons, Orwall, Taylor, Bateman, Lekanoff, Peterson, Ramel, Macri, Bergquist, Pollet, Reed, Ormsby, Doglio and Davis**

**Concerning youth seeking housing assistance and other related services.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1406 was substituted for House Bill No. 1406 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1406 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 Cortes and Eslick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1406.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1406, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

SUBSTITUTE HOUSE BILL NO. 1406, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1336, by Representatives Stokesbary, Springer, Reeves, Graham and Lekanoff**

**Splitting the volunteer firefighters' and reserve officers' relief and pension principal fund into two accounts.**

The bill was read the second time.

Representative Stokesbary moved the adoption of amendment (024):

On page 8, line 14, after "board" strike ", upon request of the state treasurer" and insert "~~(, upon request of the state treasurer)~~"

On page 9, line 21, after "act, on" strike "July" and insert "August"

On page 12, line 6, after "board" strike ", upon request of the state treasurer" and insert "~~(, upon request of the state treasurer)~~"

On page 13, line 12, after "act, on" strike "July" and insert "August"

On page 21, beginning on line 25, strike all of section 13

On page 21, after line 34, insert the following:

**"Sec. 13.** 2020 c 144 s 3 (uncodified) is amended to read as follows:

~~((This act))~~ Chapter 144, Laws of 2020 takes effect the later of January 1, 2021, or the date that the board for volunteer firefighters and reserve officers receives notice from the federal internal revenue service that the volunteer firefighters ~~((and reserve officers relief and pension system))~~ plan is a qualified employee benefit plan under the federal law. The board must provide written notice of the effective date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the board."

Representatives Stokesbary and Ormsby spoke in favor of the adoption of the amendment.

Amendment (024) 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 Stokesbary and Ormsby spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1336.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1336, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

ENGROSSED HOUSE BILL NO. 1336, having received the necessary constitutional majority, was declared passed.

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



**MOTION**

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

- HOUSE BILL NO. 1005
- HOUSE BILL NO. 1019
- HOUSE BILL NO. 1048
- HOUSE BILL NO. 1104
- HOUSE BILL NO. 1122
- HOUSE BILL NO. 1124
- HOUSE BILL NO. 1131
- HOUSE BILL NO. 1134
- HOUSE BILL NO. 1187
- HOUSE BILL NO. 1243
- HOUSE BILL NO. 1282
- HOUSE BILL NO. 1311
- HOUSE BILL NO. 1324
- HOUSE BILL NO. 1370
- HOUSE BILL NO. 1406
- HOUSE BILL NO. 1442
- HOUSE BILL NO. 1498
- HOUSE BILL NO. 1510
- HOUSE BILL NO. 1541
- HOUSE BILL NO. 1547
- HOUSE BILL NO. 1550
- HOUSE BILL NO. 1559
- HOUSE BILL NO. 1563
- HOUSE BILL NO. 1575
- HOUSE BILL NO. 1576
- HOUSE BILL NO. 1621
- HOUSE BILL NO. 1626
- HOUSE BILL NO. 1645
- HOUSE BILL NO. 1724
- HOUSE BILL NO. 1736
- HOUSE BILL NO. 1742
- HOUSE BILL NO. 1762
- HOUSE BILL NO. 1763

There being no objection, the Committee on Health Care & Wellness was relieved of SUBSTITUTE SENATE BILL NO. 5490, and the bill was referred to the Committee on Appropriations.

The Speaker called upon Representative Orwall to preside.

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

**MESSAGE FROM THE SENATE**

Thursday, March 2, 2023

Mme. Speaker:

The Senate has passed:

- SUBSTITUTE SENATE BILL NO. 5078
- SUBSTITUTE SENATE BILL NO. 5096
- SUBSTITUTE SENATE BILL NO. 5165
- SUBSTITUTE SENATE BILL NO. 5238
- SUBSTITUTE SENATE BILL NO. 5303
- SENATE BILL NO. 5324
- SUBSTITUTE SENATE BILL NO. 5353
- SENATE BILL NO. 5369
- SUBSTITUTE SENATE BILL NO. 5399
- SUBSTITUTE SENATE BILL NO. 5424
- SUBSTITUTE SENATE BILL NO. 5436
- SUBSTITUTE SENATE BILL NO. 5439
- SECOND SUBSTITUTE SENATE BILL NO. 5502
- SECOND SUBSTITUTE SENATE BILL NO. 5518
- SUBSTITUTE SENATE BILL NO. 5569
- SUBSTITUTE SENATE BILL NO. 5687
- SENATE BILL NO. 5711

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**SECOND READING**

**HOUSE BILL NO. 1565, by Representatives Ortiz-Self, Santos, Berry, Simmons, Reeves, Fey, Ryu, Alvarado, Bronoske, Goodman, Gregerson, Doglio, Paul, Peterson, Lekanoff, Ramel, Bergquist, Reed, Pollet, Timmons and Macri**

**Supporting and strengthening the professional education workforce.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1565 was substituted for House Bill No. 1565 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1565 was read the second time.

Representative Ortiz-Self moved the adoption of amendment (108):

On page 1, after line 8, insert the following:

**" Online Platform for the Recruitment and Hiring of Public School Employees**

NEW SECTION. **Sec.** (1) By October 1, 2024, in compliance with RCW 43.01.036, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature on the results of a feasibility study for the development and implementation of an online platform for the recruitment and hiring of public school employees that meets the requirements of this section. The office of the superintendent of public instruction shall contract with a research entity that has sufficient expertise to conduct the feasibility study.

(2) The feasibility of including the following functions and features in the online platform must be studied:

(a) A job posting and search or filter function that allows for efficient searching or filtering of job postings by job seekers;

(b) A resume storage and search or filter function that allows for efficient searching or filtering of resumes by employers;

(c) A common employment application with a customizable form for employers to add additional questions;

(d) Integration with other relevant state databases;

(e) A description of and links to the websites of Washington professional educator standards board-approved educator preparation programs; and

(f) Links to websites describing state and federal financial aid available to develop and support the workforce of the public school system, including the educator conditional scholarship and loan repayment programs under chapter 28B.102 RCW.

(3) The feasibility study must consider the extent to which existing applications, platforms, and other technologies may be

repurposed to produce an online platform with the functions and features described in subsection (2) of this section.

(4) In conducting the feasibility study, the contractor must consult with the office of the superintendent of public instruction, the Washington professional educator standards board, the employment security department, educational service districts, and representatives of school districts, school building leaders, and school staff.

(5) This section expires August 1, 2025."

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

On page 3, line 10, after "of" strike "at least 15" and insert "15 to 20"

On page 3, beginning on line 35, after "support" strike "up to five" and insert "at least three"

On page 3, line 37, after "special education" insert "and at least two cohorts of residents seeking an endorsement in bilingual education"

On page 5, line 13, after "(2)" insert "By October 1, 2026, in compliance with RCW 43.01.036, the advisory council shall report to the appropriate committees of the legislature with its recommendations for improving the teacher residency program to increase positive outcomes as describe in subsection (1) of this section.

(3)"

On page 6, line 27, after "**Preparation**" insert "**and Workforce**"

On page 6, line 33, after "must" strike "compare" and insert ": (a) Compare"

On page 6, line 35, after "programs" strike ". The report must" and insert "; (b) include recommendations to increase educator certification reciprocity for residency, professional, and other certificate tiers; and (c)"

Representatives Ortiz-Self and Rude spoke in favor of the adoption of the amendment.

Amendment (108) was adopted.

Representative McEntire moved the adoption of amendment (171):

On page 11, line 12, after "profession" insert ", student outcomes"

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

Representative Santos spoke against the adoption of the amendment.

Amendment (171) was not adopted.

The bill was ordered engrossed.

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

Representatives Ortiz-Self and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1565.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1565, and the bill passed the House by the following vote: Yeas, 59; Nays, 37; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldir, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Morgan and Paul

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1565, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1694, by Representatives Alvarado, Tharinger, Berry, Lekanoff, Reed, Leavitt, Fitzgibbon, Callan, Santos, Chopp, Ortiz-Self, Senn, Taylor, Pollet, Macri, Riccelli and Simmons**

### Addressing home care workforce shortages.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1694 was substituted for House Bill No. 1694 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1694 was read the second time.

Representative Chambers moved the adoption of amendment (160):

On page 4, line 20, after "(6)" insert "By October 1, 2023, the department must conduct an analysis of the number of test applications for both the skills demonstration test and the knowledge test using various geographic measures, including by county and by zip code. By December 1, 2023, the department must report to the governor and the health policy committees of the legislature on the results of the analysis and how it may inform decisions for approving testing locations.

(7)"

Representatives Chambers and Riccelli spoke in favor of the adoption of the amendment.

Amendment (160) was adopted.

Representative Chambers moved the adoption of amendment (161):

On page 4, line 20, after "(6)" insert "By October 1, 2023, the department must conduct a survey of all approved testing locations in Washington to determine their current capacity for offering tests and their potential capacity to offer tests if not for the lack of available proctors. By December 1, 2023, the department must report to the governor and the health policy committees of the legislature on the results of the survey, including an analysis that compares testing capacity with the number of test applications for both the skills demonstration test and the knowledge test using various geographic measures, including by county and by zip code.

(7)"

Representatives Chambers and Riccelli spoke in favor of the adoption of the amendment.

Amendment (161) 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 Alvarado and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1694.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1694, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1694, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1337, by Representatives Gregerson, Barkis, Berry, Christian, Duerr, Fitzgibbon, Taylor, Ramel, Reeves, Simmons, Walen, Graham, Bateman, Reed, Lekanoff, Doglio, Tharinger, Cortes, Macri and Stonier**

**Expanding housing options by easing barriers to the construction and use of accessory dwelling units.**

The bill was read the second time.

With the consent of the House, amendments (020), (021), (022), (041), (042), (046), (047), (121) and (130) were withdrawn.

Representative Gregerson moved the adoption of the striking amendment (122):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature makes the following findings:

(a) Washington state is experiencing a housing affordability crisis. Many communities across the state are in need of more housing for renters across the income spectrum.

(b) Many cities dedicate the majority of residentially zoned land to single detached houses that are increasingly financially out of reach for many households. Due to their smaller size, accessory dwelling units can provide a more affordable housing option in those single-family zones.

(c) Localities can start to correct for historic economic and racial exclusion in single-family zones by opening up these neighborhoods to more diverse housing types, including accessory dwelling units, that provide lower cost homes. Increasing housing options in expensive, high-opportunity neighborhoods will give more families access to schools, parks, and other public amenities otherwise accessible to only the wealthy.

(d) Accessory dwelling units are frequently rented below market rate, providing additional affordable housing options for renters.

(e) Accessory dwelling units can also help to provide housing for very low-income households. More than 10 percent of accessory dwelling units in some areas are occupied by tenants who pay no rent at all; among these tenants are grandparents, adult children, family members with disabilities, friends going through life transitions, and community members in need. Accessory dwelling units meet the needs of these people who might otherwise require subsidized housing space and resources.

(f) Accessory dwelling units can meet the needs of Washington's growing senior population, making it possible for this population to age in their communities by offering senior-friendly housing, which prioritizes physical accessibility, in walkable communities near amenities essential to successful aging in place, including transit and grocery stores, without requiring costly renovations of existing housing stock.

(g) Homeowners who add an accessory dwelling unit may benefit from added income and an increased sense of security.

(h) Accessory dwelling units provide environmental benefits. On average they are more energy efficient than single detached houses, and they incentivize adaptive reuse of existing homes and materials.

(i) Siting accessory dwelling units near transit hubs, employment centers, and public amenities can help to reduce greenhouse gas emissions by increasing walkability, shortening household commutes, and curtailing sprawl.

(2) The legislature intends to promote and encourage the creation of accessory

dwelling units as a means to address the need for additional affordable housing options.

**Sec. 2.** RCW 36.70A.696 and 2021 c 306 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 36.70A.697 ~~((and)), 36.70A.698, and sections 3 and 4 of this act~~ unless the context clearly requires otherwise.

(1) "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(2) "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "County" means any county planning under RCW 36.70A.040.

(5) "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.

(6) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

(7) "Gross floor area" means the interior habitable area of a dwelling unit including basements and attics but not including a garage or accessory structure.

(8) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

~~((8))~~ (9) "Owner" means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.

~~((9))~~ (10) "Principal unit" means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

(11) "Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.

(1) (a) Cities and counties planning under this chapter must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section and of section 4 of this act, to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130.

(b) In any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section, the requirements of this section and section 4 of this act supersede, preempt, and invalidate any conflicting local development regulations.

(2) Ordinances, development regulations, and other official controls adopted or amended pursuant to this section and section 4 of this act must only apply in the portions of towns, cities, and counties that are within urban growth areas designated under this chapter.

(3) Attached or detached accessory dwelling units may not be considered as contributing to the overall underlying density within the urban growth area boundary of a county for purposes of compliance with this chapter.

(4) Any action taken by a city or county to comply with the requirements of this section or section 4 of this act is not subject to legal challenge under this chapter or chapter 43.21C RCW.

(5) Nothing in this section or section 4 of this act requires or authorizes a city or county to authorize the construction of an accessory dwelling unit in a location where development is restricted under other laws, rules, or ordinances as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property.

(6) Nothing in this section or in section 4 of this act prohibits a city or county from:

(a) Restricting the use of accessory dwelling units for short-term rentals;

(b) Applying public health, safety, building code, and environmental permitting requirements to an accessory dwelling unit that would be applicable to the principal unit, including regulations to protect ground and surface waters from on-site wastewater;

(c) Applying generally applicable development regulations to the construction of an accessory unit, except when the application of such regulations would be contrary to this section or to section 4 of this act;

(d) Prohibiting the construction of accessory dwelling units on lots that are not connected to or served by public sewers; or

(e) Prohibiting or restricting the construction of accessory dwelling units in residential zones with a density of one dwelling unit per acre or less that are within areas designated as wetlands, fish and wildlife habitats, flood plains, or geologically hazardous areas.

**NEW SECTION. Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

(1) In addition to ordinances, development regulations, and other official controls adopted or amended to comply with section 3 of this act and subsection (2) of this section, a city or county must comply with a minimum of three of the following policies:

(a) The city or county may not establish a requirement for the provision of off-street parking for accessory dwelling units;

(b) The city or county may not assess impact fees on the construction of accessory dwelling units that are greater than 50 percent of the impact fees that would be imposed on the principal unit;

(c) The city or county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot; and

(d) The city or county must allow at least two accessory dwelling units on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes in the following configurations:

(i) One attached accessory dwelling unit and one detached accessory dwelling unit;

(ii) Two attached accessory dwelling units; or

(iii) Two detached accessory dwelling units, which may be comprised of either one or two detached structures.

(2) Through ordinances, development regulations, and other official controls adopted or amended to comply with section 3 of this act and subsection (1) of this section, a city or county must also comply with all of the following policies:

(a) The city or county must permit accessory dwelling units in structures detached from the principal unit;

(b) The city or county must allow an accessory dwelling unit on any lot that meets the minimum lot size required for the principal unit;

(c) The city or county may not establish a maximum gross floor area requirement for accessory dwelling units that is less than 1,000 square feet;

(d) The city or county may not establish roof height limits on an accessory dwelling unit of less than 24 feet, unless the height limitation that applies to the principal unit is less than 24 feet, in which case a city or county may not impose roof height limitation on accessory dwelling units that is less than the height limitation that applies to the principal unit;

(e) A city or county may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for accessory dwelling units that are more restrictive than those for principal units;

(f) A city or county must allow detached accessory dwelling units to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley;

(g) A city or county must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage;

(h) A city or county may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an accessory dwelling unit; and

(i) A city or county may not require public street improvements as a condition of permitting accessory dwelling units.

**NEW SECTION. Sec. 5.** A new section is added to chapter 36.70A RCW to read as follows:

(1) No restrictive covenant or deed restriction created after the effective date of this section and applicable to a property located within an urban growth area may impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under section 4 of this act.

(2) For the purposes of this section, "urban growth area" has the same meaning as in RCW 36.70A.030.

(3) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction that was created after the effective date of this section and that is contrary to subsection (1) of this section.

**Sec. 6.** RCW 43.21C.495 and 2022 c 246 s 3 are each amended to read as follows:

(1) Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city to implement: The actions specified in section 2, chapter 246, Laws of 2022 unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat; and the increased residential building capacity actions identified in RCW 36.70A.600(1), with the exception of the action specified in RCW 36.70A.600(1)(f), are not subject to administrative or judicial appeals under this chapter.

(2) Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city or county consistent with the requirements of sections 3 and 4 of this act are not subject to administrative or judicial appeals under this chapter.

**Sec. 7.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to read as follows:

(1) The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance (~~with RCW 36.70A.5801~~) based on a city or county's actions taken to implement the requirements of sections 3 and 4 of this act within an urban growth area;

(b) That the (~~twenty~~) 20-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

(c) That the approval of a work plan adopted under RCW 36.70A.735(1)(a) is not in compliance with the requirements of the program established under RCW 36.70A.710;

(d) That regulations adopted under RCW 36.70A.735(1)(b) are not regionally applicable and cannot be adopted, wholly or partially, by another jurisdiction; or

(e) That a department certification under RCW 36.70A.735(1)(c) is erroneous.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within (~~sixty~~) 60 days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, the board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by the board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by the board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as the "board adjusted population projection." None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

NEW SECTION. Sec. 8. A new section is added to chapter 36.70A RCW to read as follows:

(1) By December 31, 2023, the department must revise its recommendations for encouraging accessory dwelling units to include the provisions of sections 3 and 4 of this act.

(2) During each comprehensive plan review required by RCW 36.70A.130, the department must review local government comprehensive plans and development regulations for compliance with sections 3 and 4 of this act and the department's recommendations under subsection (1) of this section.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) RCW 35.63.210 (Accessory apartments) and 1993 c 478 s 8;

(2) RCW 35A.63.230 (Accessory apartments) and 1993 c 478 s 9;

(3) RCW 36.70A.400 (Accessory apartments) and 1993 c 478 s 11;

(4) RCW 36.70.677 (Accessory apartments) and 1993 c 478 s 10; and

(5) RCW 43.63A.215 (Accessory apartments—Development and placement—Local governments) and 1993 c 478 s 7."

Correct the title.

Representative Pollet moved the adoption of amendment (132) to the striking amendment (122):

On page 2, line 27 of the striking amendment, after "housing unit." insert "An attached accessory dwelling unit must have a substantial portion of its footprint connected to or within the other housing unit, and must share structural elements with the other unit."

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

Representatives Peterson and Barkis spoke against the adoption of the amendment to the striking amendment.

Amendment (132) to the striking amendment (122) was not adopted.

Representative Senn moved the adoption of amendment (133) to the striking amendment (122):

On page 5, line 2 of the striking amendment, after "minimum of" strike "three" and insert "two"

On page 5, line 14 of the striking amendment, after "in" insert "at least two of"

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

Representatives Peterson and Barkis spoke against the adoption of the amendment to the striking amendment.

Amendment (133) to the striking amendment (122) was not adopted.

Representative Pollet moved the adoption of amendment (144) to the striking amendment (122):

On page 6, after line 16 of the striking amendment, insert the following:

"NEW SECTION. Sec 5. A new section is added to chapter 36.70A

RCW to read as follows:

To encourage the use of accessory dwelling units for long-term housing, cities and counties may adopt ordinances, development regulations, and other official controls which waive or defer fees, including impact fees, defer the payment of taxes, or waive specific regulations. Cities and counties may only offer such reduced or deferred fees, deferred taxes, waivers, or other incentives for the development or construction of accessory dwelling units if:

(1) The units are located within an urban growth area; and

(2) The units are subject to a program adopted by the city or county with effective binding commitments or covenants that the units will be primarily utilized for long-term housing consistent with the public purpose for this authorization."

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

Representatives Pollet, Peterson and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (144) to the striking amendment (122) was adopted.

Representative Pollet moved the adoption of amendment (131) to the striking amendment (122):

On page 6, beginning on line 31 of the striking amendment, after "restriction" strike all material through "section" on line 33

Representatives Pollet, Peterson and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (131) to the striking amendment (122) was adopted.

Representatives Gregerson and Barkis spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (122), 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 Gregerson, Peterson and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1337.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1337, and the bill passed the House by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Chambers, Chandler, Chapman, Chopp, Christian, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar,

Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Schmidt, Simmons, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Caldier, Callan, Cheney, Connors, Dye, Hutchins, McClintock, Ramos, Rude, Schmick, Senn, Shavers, Slatter, Springer and Walen

Excused: Representatives Morgan and Paul

ENGROSSED HOUSE BILL NO. 1337, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1823, by Representatives Timmons, Slatter and Ramel**

**Modifying the Washington student loan program.**

The bill was read the second time.

Representative Steele moved the adoption of amendment (190):

On page 3, at the beginning of line 14, insert "program with an annual tuition fee increase that does not exceed the limit established in RCW 28B.15.067(2) and is"

With the consent of the House, amendment (190) was withdrawn.

Representative Slatter moved the adoption of amendment (184):

On page 6, line 9, after "students," strike "and" and insert "((and)) are demographically underrepresented, do not qualify for federally funded student financial aid, or"

Representatives Slatter and Ybarra spoke in favor of the adoption of the amendment.

Amendment (184) 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 Timmons and Waters spoke in favor of the passage of the bill.

Representatives Steele and Caldier spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1823.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1823, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cheney, Chopp, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos,

Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Barkis, Barnard, Caldier, Chambers, Christian, Connors, Corry, Couture, Dye, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Sandlin, Schmick, Steele, Stokesbary, Volz, Walsh and Wilcox

Excused: Representatives Morgan and Paul

ENGROSSED HOUSE BILL NO. 1823, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1580, by Representatives Callan, Harris, Senn, Eslick, Dent, Ortiz-Self, Simmons, Leavitt, Ryu, Berry, Taylor, Walen, Bateman, Bronoske, Goodman, Ormsby, Schmidt, Orwall, Gregerson, Thai, Doglio, Lekanoff, Ramel, Rule, Reed, Pollet, Timmons and Macri**

#### **Creating a system to support children in crisis.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1580 was substituted for House Bill No. 1580 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1580 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 Callan and Eslick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1580.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1580, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1580, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1355, by Representatives Wylie, Slatter, Orcutt, Harris, Leavitt, Orwall, Walen, Christian, Couture, Rule, Senn, Stokesbary, Graham, Kloba, Reed, Paul, Donaghy, Pollet and Callan**

**Updating property tax exemptions for service-connected disabled veterans and senior citizens.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1355 was substituted for House Bill No. 1355 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1355 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 Wylie, Orcutt and Shavers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1355.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1355, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

SUBSTITUTE HOUSE BILL NO. 1355, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1390, by Representatives Ramel, Berry, Duerr, Doglio, Pollet and Reed**

#### **Concerning district energy systems.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1390 was substituted for House Bill No. 1390 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1390 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 Ramel and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1390.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1390, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian,



Connors, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Caldier, Couture, Dent and Ybarra

Excused: Representatives Morgan and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1390, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1782, by Representatives McEntire and Fey**

**Addressing the operating and maintenance deficit of the Wahkiakum county ferry.**

The bill was read the second time.

Representative Timmons moved the adoption of amendment (162):

On page 1, beginning on line 8, after "provides" strike all material through "providing" on line 10 and insert "(~~service which is primarily local in nature with secondary benefits to the state highway system in providing a bypass for state route 4 and providing~~) an important transportation bypass for state route 4 and provides"

Representatives Timmons and McEntire spoke in favor of the adoption of the amendment.

Amendment (162) 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 McEntire and Timmons spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1782.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1782, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street,

Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

ENGROSSED HOUSE BILL NO. 1782, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1322, by Representatives Rude, Chapman, Klicker, Lekanoff and Reeves**

**Concerning the Walla Walla water 2050 plan.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1322 was substituted for House Bill No. 1322 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1322 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 Rude and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1322.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1322, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Morgan and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1322, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1618, by Representatives Farivar, Simmons, Wylie, Berry, Walen, Fosse, Morgan, Macri, Pollet, Doglio, Reed, Caldier and Orwall**

**Concerning the statute of limitations for childhood sexual abuse.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1618 was substituted for House Bill No. 1618 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1618 was read the second time.

Representative Corry moved the adoption of amendment (167):

On page 2, after line 32, insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 43.19 RCW to read as follows:

(1) The childhood sexual abuse victims compensation fund account is created in the custody of the state treasurer. Revenues to the account shall consist of appropriations and transfers by the legislature and all other moneys directed for deposit into the account. Expenditures from the account may only be used for the purpose of resolving retroactive claims brought against public agencies, as defined in RCW 4.24.470. Only the director of the department of enterprise services or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) For the purposes of this section, a "retroactive claim" means a claim or action that is brought under RCW 4.16.340 on or after the effective date of this act, but that would have been time-barred by RCW 4.16.340 as it existed the date before the effective date of this act.

**NEW SECTION. Sec. 5.** The sum of \$645,000,000 for the fiscal year ending June 30, 2024, is appropriated from the general fund to the office of financial management for expenditure into the childhood sexual abuse victims compensation fund account created in section 4 of this act for the purposes of resolving retroactive claims brought against public agencies, as defined in RCW 4.24.470."

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

Correct the title.

With the consent of the House, amendment (167) was withdrawn.

Representative Walsh moved the adoption of amendment (126):

On page 1, beginning on line 7, after "(1)" strike all material through "(2)" on page 2, line 19 and insert "All claims or causes of action based on intentional conduct brought by any person for recovery of damages for injury suffered as a result of childhood sexual abuse shall be commenced within the later of the following periods:

(a) ~~Within (three years of the act alleged to have caused the injury or condition)~~ 20 years of the victim reaching the age of 18 years;

(b) Within three years of the time the victim discovered or reasonably should have discovered that the injury or condition was caused by said act; or

(c) Within three years of the time the victim discovered that the act caused the injury for which the claim is brought:

PROVIDED, That the time limit for commencement of an action under this section

is tolled for a child until the child reaches the age of eighteen years.

(2) The victim need not establish which act in a series of continuing sexual abuse or exploitation incidents caused the injury complained of, but may compute the date of discovery from the date of discovery of the last act by the same perpetrator which is part of a common scheme or plan of sexual abuse or exploitation.

(3) The knowledge of a custodial parent or guardian shall not be imputed to a person under the age of eighteen years.

(4) For purposes of this section, "child" means a person under the age of eighteen years.

(5) "

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

Representative Farivar spoke against the adoption of the amendment.

Amendment (126) was not adopted.

Representative Walsh moved the adoption of amendment (124):

On page 2, beginning on line 24, strike all of section 2

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

On page 2, beginning on line 29, after "applies" strike all material through "prospectively" on line 32 and insert "prospectively to any claim or action that, as of the effective date of this act, would not have been time-barred under RCW 4.16.340 as it existed on the day before the effective date of this act"

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

Representative Farivar spoke against the adoption of the amendment.

Amendment (124) 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 Farivar and Griffey spoke in favor of the passage of the bill.

Representative Graham spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1618.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1618, and the bill passed the House by the following vote: Yeas, 82; Nays, 14; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman,

Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McClintock, Mena, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Chambers, Chandler, Eslick, Graham, Jacobsen, Low, McEntire, Orcutt, Rude, Sandlin, Schmick, Volz and Walsh

Excused: Representatives Morgan and Paul

SECOND SUBSTITUTE HOUSE BILL NO. 1618, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Friday, March 3, 2023, the 54th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY FOURTH DAY

House Chamber, Olympia, Friday, March 3, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Emiko Kondo and Mia Phillippe. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Jermell Witherspoon, Everett United Church of Christ and Seattle Liberation United Church of Christ.

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 fourth order of business.

## INTRODUCTION &amp; FIRST READING

ESSB 5010 by Senate Committee on Law & Justice (originally sponsored by Wilson, L., Holy, Wilson, J., Braun, Schoesler, King, Short, Fortunato, Padden, Torres, Dozier, Gildon, Rolfes, Wagoner and Warnick)

AN ACT Relating to updating the endangerment with a controlled substance statute to include fentanyl or synthetic opioids; and amending RCW 9A.42.100.

Referred to Committee on Community Safety, Justice, & Reentry.

SB 5069 by Senators Rivers, Keiser, King, Stanford, Conway, Holy and Van De Wege

AN ACT Relating to interstate cannabis agreements; adding a new section to chapter 43.06 RCW; and providing a contingent effective date.

Referred to Committee on Regulated Substances & Gaming.

2SSB 5120 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Wagoner, Braun, Frame, Hasegawa, Keiser, Kuderer, Nguyen, Nobles, Pedersen, Randall, Saldaña, Shewmake, Stanford, Warnick, Wellman and Wilson, C.)

AN ACT Relating to establishing crisis relief centers in Washington state; amending RCW 71.05.020, 71.05.020, 71.05.050, 71.05.150, 71.05.150, 71.05.590, 71.05.590, 71.34.020, 71.34.020, 71.34.351, 71.05.755, 71.24.890, 10.31.110, 10.77.086, and 10.77.088; amending 2022 c 210 s 31 and 2021 c 264 s 29 (uncodified); reenacting and amending RCW 71.24.025, 71.05.153, 71.05.153, and 48.43.005; adding a new section to chapter 71.24 RCW; creating new sections; repealing RCW 71.24.647; providing an effective date; providing contingent effective dates; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 5127 by Senate Committee on State Government & Elections (originally sponsored by Wilson, C., Lovelett, Hasegawa, Hunt, Kuderer, Nobles, Saldaña, Stanford, Van De Wege and Wellman)

AN ACT Relating to clarifying school districts' ability to redact personal information related to a student in any record maintained by the school district; amending RCW 42.56.230; and creating a new section.

Referred to Committee on State Government & Tribal Relations.

SSB 5189 by Senate Committee on Health & Long Term Care (originally sponsored by Trudeau, Wagoner, Conway, Dhingra and Wilson, C.)

AN ACT Relating to establishing behavioral health support specialists; amending RCW 18.130.040 and 18.130.040; adding a new section to chapter 48.43 RCW; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

ESSB 5217 by Senate Committee on Labor & Commerce (originally sponsored by Dhingra, Kauffman, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Pedersen, Valdez and Wilson, C.)

AN ACT Relating to the state's ability to regulate certain industries and risk classifications to prevent musculoskeletal injuries and disorders; amending RCW 49.17.020; adding new sections to chapter 49.17 RCW; creating a new section; and repealing RCW 49.17.360 and 49.17.370.

Referred to Committee on Labor & Workplace Standards.

SSB 5300 by Senate Committee on Health & Long Term Care (originally sponsored by Dhingra, Billig, Cleveland, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Randall, Rivers, Robinson, Shewmake, Valdez, Wellman and Wilson, C.)

AN ACT Relating to continuity of coverage for prescription drugs prescribed for the treatment of behavioral health conditions; amending RCW 69.41.190; adding a new section to chapter 48.43 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

ESSB 5326 by Senate Committee on Transportation (originally sponsored by Lovick, King, Mullet and Wilson, C.)

AN ACT Relating to verification of motor vehicle insurance; amending RCW 46.16A.130, 46.30.020, 46.63.110, and 46.68.067; adding a new section to chapter 46.30 RCW; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

SSB 5374 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Short, Lovelett, Shewmake and Torres)

AN ACT Relating to the adoption of county critical area ordinances by cities; amending RCW 36.70A.060; and creating a new section.

Referred to Committee on Local Government.

ESSB 5447 by Senate Committee on Environment, Energy & Technology (originally sponsored by Billig, King, Nguyen, MacEwen, Mullet, Wellman, Gildon, Keiser, Shewmake, Lovick, Boehnke, Warnick, Randall, Conway, Dhingra, Dozier, Liias, Lovelett, Saldaña, Stanford, Van De Wege and Wagoner)

AN ACT Relating to promoting the alternative jet fuel industry in Washington; amending RCW 70A.535.010, 43.330.565, and 43.330.570; adding a new section to chapter 70A.535 RCW; adding a new section to chapter 28B.30 RCW; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Environment & Energy.

ESSB 5466 by Senate Committee on Transportation (originally sponsored by Liias, Gildon, Kuderer, Lovelett, MacEwen, Mullet, Braun, Billig, Dhingra, Frame, Hunt, Kauffman, Nguyen, Nobles, Pedersen, Saldaña, Salomon, Shewmake, Stanford, Valdez, Van De Wege and Wilson, C.)

AN ACT Relating to promoting transit-oriented development; amending RCW 36.70A.030, 36.70A.500, 36.70A.620, and 43.21C.229; adding new sections to chapter 47.01 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.32 RCW; and creating a new section.

Referred to Committee on Housing.

SSSB 5555 by Senate Committee on Ways & Means (originally sponsored by Randall, Dhingra, Hasegawa, Keiser, Nguyen, Nobles, Valdez and Wilson, C.)

AN ACT Relating to addressing the behavioral health workforce shortage and expanding access to peer services by creating the profession of certified peer specialists; amending RCW 18.130.040, 18.130.040, 18.130.175, and 43.43.842; adding new sections to chapter 71.24 RCW; adding a new section to chapter 48.43 RCW; adding a new chapter to Title 18 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

ESSB 5583 by Senate Committee on Transportation (originally sponsored by Liias, Wilson, C., Kauffman, Valdez, Lovelett, Lovick, Nguyen and Nobles)

AN ACT Relating to improving young driver safety; amending RCW 46.20.075, 46.20.100, 46.82.280, 46.20.120, 46.20.055, 46.68.041, 43.84.092, and 43.84.092; reenacting and amending RCW 28A.220.020; adding new sections to chapter 46.20 RCW; adding new sections to chapter 46.82 RCW; adding a new section to chapter 28A.220 RCW; adding a new section to chapter 42.56 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

SSB 5586 by Senate Committee on Labor & Commerce (originally sponsored by King, Robinson and Wellman)

AN ACT Relating to employees' paid family or medical leave data; amending RCW 50A.25.040; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

SSB 5604 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Robinson, Nguyen and Stanford)

AN ACT Relating to county sales and use taxes for mental health and housing; and amending RCW 82.14.460 and 82.14.540.

Referred to Committee on Local Government.

ESSB 5614 by Senate Committee on Labor & Commerce (originally sponsored by Saldaña, Nguyen and Wilson, C.)

AN ACT Relating to adult entertainment establishments; amending RCW 9A.88.010, 9A.88.030, 9A.88.030, and 49.17.470; adding a new section to chapter 49.44 RCW; adding a new section to chapter 66.24 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

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 sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1387, by Representatives Ramos, Goodman, Callan, Ryu, Ramel and Pollet**

**Requiring the criminal justice training commission to establish a program to recruit and train a pool of applicants who may be employed by certain law enforcement agencies in the state.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1387 was substituted for House Bill No. 1387 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1387 was read the second time.

Representative Graham moved the adoption of amendment (152):

On page 1, line 21, after "(i)" insert "A statewide organization advocating on behalf of crime victims and survivors; (j)"

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

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

Amendment (152) 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 Ramos and Mosbrucker spoke in favor of the passage of the bill.

## MOTIONS

On motion of Representative Griffey, Representative McEntire was excused.

On motion of Representative Leavitt, Representatives Farivar and Morgan were excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1387.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1387, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Farivar, McEntire and Morgan

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1387, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1106, by Representatives Fosse, Reeves, Reed, Berry, Doglio, Wylie, Kloba, Santos and Ormsby**

**Concerning qualifications for unemployment insurance when an individual voluntarily leaves work.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1106 was substituted for House Bill No. 1106 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1106 was read the second time.

Representative Fosse moved the adoption of amendment (103):

On page 4, line 36, after "(vi)" strike "(A)"

On page 4, beginning on line 37, after "more" strike all material through "basis" on page 5, line 3

On page 6, line 2, after "resides;" strike "or"

On page 6, line 8, after "separation" insert "; or

(xiv) For separations that occur on or after July 7, 2024, the claimant had a regularly scheduled shift or split shift start or end time for the prior 90 calendar days, and the employer, without request by the claimant and not based on a system of seniority, changed the regularly scheduled shift or split shift start or end time by six or more hours for that shift on a nontemporary basis"

Representatives Fosse and Robertson spoke in favor of the adoption of the amendment.

Amendment (103) 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 Fosse spoke in favor of the passage of the bill.

Representatives Schmidt, Chambers, Caldier and Christian spoke against the passage of the bill.

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

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1106, and the bill passed the House by the following vote: Yeas, 51; Nays, 44; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Timmons, Volz, Walen, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Farivar, McEntire and Morgan

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

**HOUSE BILL NO. 1010, by Representatives Chapman, McEntire, Dent, Reed, Griffey, Reeves and Kloba**

**Concerning the sanitary control of shellfish.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1010 was substituted for House Bill No. 1010 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1010 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 Chapman and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1010.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1010, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Farivar, McEntire and Morgan

SECOND SUBSTITUTE HOUSE BILL NO. 1010, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1563, by Representatives Kloba, Simmons, Cheney, Peterson, Ramel, Ormsby, Reeves, Reed, Macri, Fitzgibbon, Gregerson, Rude and Wylie**

**Concerning arrest protections for the medical use of cannabis.**

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 Kloba spoke in favor of the passage of the bill.

Representative Chambers spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1563.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1563, and the bill passed the House by the following vote: Yeas, 63; Nays, 32; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Dent, Dye, Goehner, Graham, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, Mosbrucker, Robertson, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Farivar, McEntire and Morgan

HOUSE BILL NO. 1563, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1742, by Representative Wylie**

**Concerning nontax statutes administered by the department of revenue.**

The bill was read the second time.

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

Representatives Wylie and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1742.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1742, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Farivar, McEntire and Morgan

HOUSE BILL NO. 1742, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1104, by Representatives Goodman, Wylie, Davis and Ormsby**

**Concerning eligibility and requirements for deferred prosecutions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1104 was substituted for House Bill No. 1104 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1104 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 Goodman and Griffey spoke in favor of the passage of the bill.

Representatives Mosbrucker and Cheney spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1104.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1104, and the bill passed the House by the following vote: Yeas, 64; Nays, 31; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson,

Griffey, Hackney, Hansen, Hutchins, Kloba, Leavitt, Lekanoff, Macri, Mena, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Schmick, Schmidt, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Volz, Walen, Walsh, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Chambers, Chandler, Cheney, Christian, Connors, Corry, Dye, Eslick, Graham, Harris, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Shavers, Stokesbary, Timmons, Waters, Wilcox and Ybarra

Excused: Representatives Farivar, McEntire and Morgan

SUBSTITUTE HOUSE BILL NO. 1104, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1171, by Representatives Mosbrucker and Graham**

**Modifying the motorcycle safety education advisory board.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1171 was substituted for House Bill No. 1171 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1171 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 Mosbrucker and Paul spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1171.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1171, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Farivar, McEntire and Morgan

SUBSTITUTE HOUSE BILL NO. 1171, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1271, by Representatives Low, Eslick, Bronoske, Hackney, Goehner, Hutchins, Berry, Reed, Christian and Schmidt**

**Concerning organ transport vehicles.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1271 was substituted for House Bill No. 1271 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1271 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 Fey spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1271.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1271, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Farivar, McEntire and Morgan

SUBSTITUTE HOUSE BILL NO. 1271, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

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

**MESSAGE FROM THE SENATE**

Thursday, March 2, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5130  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5143  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5150  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5301  
 ENGROSSED SENATE BILL NO. 5309  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5367  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5440  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5702  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5726

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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



**SECOND READING**

**HOUSE BILL NO. 1425, by Representatives Berg, Low, Eslick, Ryu, Stonier, Duerr, Ortiz-Self, Cortes, Peterson, Fosse, Donaghy and Pollet**

**Facilitating municipal annexations.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1425 was substituted for House Bill No. 1425 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1425 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 Berg and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1425.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1425, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Farivar and McEntire

SECOND SUBSTITUTE HOUSE BILL NO. 1425, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1370, by Representatives Reeves, Corry, Reed, Morgan, Ramel, Pollet and Leavitt**

**Providing the payment of awards to whistleblowers who report violations of state or federal securities laws and providing protection to whistleblowers and internal reporters.**

The bill was read the second time.

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

Representatives Reeves and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1370.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1370, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Farivar and McEntire

HOUSE BILL NO. 1370, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1181, by Representatives Duerr, Fitzgibbon, Berry, Peterson, Ryu, Alvarado, Taylor, Reed, Walen, Bateman, Ramel, Goodman, Doglio, Macri, Callan, Simmons, Lekanoff, Gregerson, Bergquist, Stonier, Pollet, Davis, Kloba, Riccelli, Mena and Tharinger**

**Improving the state's response to climate change by updating the state's planning framework.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1181 was substituted for House Bill No. 1181 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1181 was read the second time.

With the consent of the House, amendments (070) and (069) were withdrawn.

Representative Duerr moved the adoption of the striking amendment (155):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.020 and 2021 c 254 s 1 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040 and, where specified, also guide the development of regional policies, plans, and strategies adopted under RCW 36.70A.210 and chapter 47.80 RCW. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans ~~((and))~~, development regulations, and, where specified, regional plans, policies, and strategies:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that will reduce greenhouse gas emissions and per capita vehicle miles traveled, and are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space and green space, enhance recreational opportunities, ~~(conserve)~~ enhance fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process, including the participation of vulnerable populations and overburdened communities, and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

(14) Climate change and resiliency. Ensure that comprehensive plans, development

regulations, and regional policies, plans, and strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of a changing climate; support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster resiliency to climate impacts and natural hazards; protect and enhance environmental, economic, and human health and safety; and advance environmental justice.

(15) Shorelines of the state. For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 shall be considered an element of the county's or city's comprehensive plan.

**Sec. 2.** RCW 36.70A.480 and 2010 c 107 s 2 are each amended to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the ~~((fourteen))~~ 15 goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

(3)(a) The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105.

(b) Except as otherwise provided in (c) of this subsection, development regulations adopted under this chapter to protect critical areas within shorelines of the state apply within shorelines of the state until the department of ecology approves one of the following: A comprehensive master program update, as defined in RCW 90.58.030; a segment of a master program relating to critical areas, as provided in RCW 90.58.090; or a new or amended master program approved by the department of ecology on or after March 1, 2002, as provided in RCW 90.58.080. The adoption or update of development regulations to protect critical areas under this chapter prior to department of ecology approval of a master program update as provided in this subsection is not a comprehensive or segment update to the master program.

(c)(i) Until the department of ecology approves a master program or segment of a master program as provided in (b) of this

subsection, a use or structure legally located within shorelines of the state that was established or vested on or before the effective date of the local government's development regulations to protect critical areas may continue as a conforming use and may be redeveloped or modified if: (A) The redevelopment or modification is consistent with the local government's master program; and (B) the local government determines that the proposed redevelopment or modification will result in no net loss of shoreline ecological functions. The local government may waive this requirement if the redevelopment or modification is consistent with the master program and the local government's development regulations to protect critical areas.

(ii) For purposes of this subsection (3)(c), an agricultural activity that does not expand the area being used for the agricultural activity is not a redevelopment or modification. "Agricultural activity," as used in this subsection (3)(c), has the same meaning as defined in RCW 90.58.065.

(d) Upon department of ecology approval of a shoreline master program or critical area segment of a shoreline master program, critical areas within shorelines of the state are protected under chapter 90.58 RCW and are not subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section. Nothing in chapter 321, Laws of 2003 or chapter 107, Laws of 2010 is intended to affect whether or to what extent agricultural activities, as defined in RCW 90.58.065, are subject to chapter 36.70A RCW.

(e) The provisions of RCW 36.70A.172 shall not apply to the adoption or subsequent amendment of a local government's shoreline master program and shall not be used to determine compliance of a local government's shoreline master program with chapter 90.58 RCW and applicable guidelines. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the state, as required by chapter 90.58 RCW and applicable guidelines.

(4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by department of ecology guidelines adopted pursuant to RCW 90.58.060.

(5) Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(~~(4)~~)(6) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).

(6) If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)(~~(f)~~)(d), then the local jurisdiction shall continue to regulate

those critical areas and their required buffers pursuant to RCW 36.70A.060(2).

**Sec. 3.** RCW 36.70A.070 and 2022 c 246 s 2 and 2022 c 220 s 1 are each reenacted and amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces and green spaces, urban and community forests within the urban growth area, general aviation airports, public utilities, public facilities, and other landuses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. The land use element must give special consideration to achieving environmental justice in its goals and policies, including efforts to avoid creating or worsening environmental health disparities. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity and reduce per capita vehicle miles traveled within the jurisdiction, but without increasing greenhouse gas emissions elsewhere in the state. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound. The land use element must reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools, which may include, but are not limited to, reducing wildfire risks to residential development in high risk areas and the wildland urban interface area, separating human development from wildfire prone landscapes, and protecting existing residential development and infrastructure through community wildfire preparedness and fire adaptation measures.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes;

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes;

(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration of the role of accessory dwelling units in meeting housing needs;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals

with overall county goals to ensure that the housing element goals are met.

The adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city that is required or chooses to plan under RCW 36.70A.040 that increase housing capacity, increase housing affordability, and mitigate displacement as required under this subsection (2) and that apply outside of critical areas are not subject to administrative or judicial appeal under chapter 43.21C RCW unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, including green infrastructure, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) (a) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, components of drinking water, stormwater, wastewater, electrical ((lines)), ((telecommunication lines)), telecommunications and natural gas ((lines)) systems.

(b) The county or city shall identify all public entities that own utility systems and endeavor in good faith to work with other public entities, such as special purpose districts, to gather and include within its utilities element the information required in (a) of this subsection. However, if, after a good faith effort, the county or city is unable to gather the information required in (a) of this subsection from the other public entities, the failure to include such information in the utilities element shall not be grounds for a finding of noncompliance or invalidity under this act.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the

planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5) (d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity may be permitted subject to confirmation from all existing providers of public facilities and public services of sufficient capacity of existing public facilities and public services to serve any new or additional demand from the new development or redevelopment. Development

and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5) and is consistent with the local character. Any commercial development or redevelopment within a mixed-use area must be principally designed to serve the existing and projected rural population and must meet the following requirements:

(I) Any included retail or food service space must not exceed the footprint of previously occupied space or 5,000 square feet, whichever is greater, for the same or similar use; and

(II) Any included retail or food service space must not exceed 2,500 square feet for a new use;

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas shall not extend beyond the logical outer boundary of the existing area, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical

outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of this subsection (5) (d), an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated ~~((traffic))~~ multimodal level of service impacts to state-owned transportation facilities resulting from land use assumptions to assist ~~((the department of transportation))~~ in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments, active transportation facilities, and general aviation airport facilities, to define existing capital facilities and travel levels ~~((as a basis for))~~ to inform future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) ~~((Level))~~ Multimodal level of service standards for all locally owned arterials ((and)), locally and regionally operated transit routes that serve urban growth areas, state-owned or operated transit routes that serve urban areas if the department of transportation has prepared such standards, and active transportation facilities to serve as a gauge to judge performance of the system and success in helping to achieve the goals of this chapter consistent with environmental justice. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, multimodal level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting multimodal level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, active transportation, or transit program and the office of financial management's ten-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance ~~((locally owned))~~ transportation facilities or services that are below an established multimodal level of service standard;

(E) Forecasts of ~~((traffic))~~ multimodal transportation demand and needs within cities and urban growth areas, and forecasts of multimodal transportation demand and needs outside of cities and urban growth areas, for at least ten years based on the adopted land use plan to ((provide information on the location, timing, and capacity needs of future growth)) inform the development of a transportation element that balances transportation system safety and convenience to accommodate all users of the transportation system to safely, reliably, and efficiently provide access and mobility to people and goods. Priority must be given to inclusion of transportation facilities and services providing the greatest multimodal safety benefit to each category of roadway users for the context and speed of the facility;

(F) Identification of state and local system needs to equitably meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW. Local system needs should reflect the regional transportation system and local goals, and strive to equitably implement the multimodal network;

(G) A transition plan for transportation as required in Title II of the Americans with disabilities act of 1990 (ADA). As a necessary step to a program access plan to provide accessibility under the ADA, state and local government, public entities, and public agencies are required to perform self-evaluations of their current facilities, relative to accessibility requirements of the ADA. The agencies are then required to develop a program access plan, which can be called a transition plan, to address any deficiencies. The plan is intended to achieve the following:

(I) Identify physical obstacles that limit the accessibility of facilities to individuals with disabilities;

(II) Describe the methods to be used to make the facilities accessible;

(III) Provide a schedule for making the access modifications; and

(IV) Identify the public officials responsible for implementation of the transition plan;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ten-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting the identified needs of the transportation system, including state transportation facilities, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) ~~((Pedestrian and bicycle))~~ Active transportation component to include collaborative efforts to identify and designate planned improvements for ~~((pedestrian and bicycle))~~ active transportation facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include ~~((increased))~~ active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period

required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city. A development proposal may not be denied for causing the level of service on a locally owned or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan where such impacts could be adequately mitigated through active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or other transportation systems management strategies funded by the development.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; (c) an evaluation of tree canopy coverage within the urban growth area; and ~~((e+))~~ (d) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9)(a) A climate change and resiliency element that is designed to result in reductions in overall greenhouse gas emissions and that must enhance resiliency to and avoid the adverse impacts of climate change, which must include efforts to reduce localized greenhouse gas emissions and avoid creating or worsening localized climate impacts to vulnerable populations and overburdened communities.

(b) The climate change and resiliency element shall include the following subelements:

(i) A greenhouse gas emissions reduction subelement;

(ii) A resiliency subelement.

(c) The greenhouse gas emissions reduction subelement of the climate change and resiliency element is mandatory for the jurisdictions specified in section 4(1) of this act and is encouraged for all other jurisdictions, including those planning under RCW 36.70A.040 and those planning under chapter 36.70 RCW. The resiliency subelement of the climate change and resiliency element is mandatory for all jurisdictions planning under RCW 36.70A.040 and is encouraged for those jurisdictions planning under chapter 36.70 RCW.

(d)(i) The greenhouse gas emissions reduction subelement of the comprehensive plan, and its related development

regulations, must identify the actions the jurisdiction will take during the planning cycle consistent with the guidelines published by the department pursuant to section 5 of this act that will:

(A) Result in reductions in overall greenhouse gas emissions generated by transportation and land use within the jurisdiction but without increasing greenhouse gas emissions elsewhere in the state;

(B) Result in reductions in per capita vehicle miles traveled within the jurisdiction but without increasing greenhouse gas emissions elsewhere in the state; and

(C) Prioritize reductions that benefit overburdened communities in order to maximize the cobenefits of reduced air pollution and environmental justice.

(ii) Actions not specifically identified in the guidelines developed by the department pursuant to section 5 of this act may be considered consistent with these guidelines only if:

(A) They are projected to achieve greenhouse gas emissions reductions or per capita vehicle miles traveled reductions equivalent to what would be required of the jurisdiction under the guidelines adopted by the department; and

(B) They are supported by scientifically credible projections and scenarios that indicate their adoption is likely to result in reductions of greenhouse gas emissions or per capita vehicle miles traveled.

(iii) A jurisdiction may not restrict population growth or limit population allocation in order to achieve the requirements set forth in this subsection (9)(d).

(e)(i) The resiliency subelement must equitably enhance resiliency to, and avoid or substantially reduce the adverse impacts of, climate change in human communities and ecological systems through goals, policies, and programs consistent with the best available science and scientifically credible climate projections and impact scenarios that moderate or avoid harm, enhance the resiliency of natural and human systems, and enhance beneficial opportunities. The resiliency subelement must prioritize actions that benefit overburdened communities that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to climate change. Specific goals, policies, and programs of the resiliency subelement must include, but are not limited to, those designed to:

(A) Identify, protect, and enhance natural areas to foster resiliency to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(B) Identify, protect, and enhance community resiliency to climate change impacts, including social, economic, and built environment factors, that support adaptation to climate impacts consistent with environmental justice; and

(C) Address natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought,

heat, smoke, wildfire, and other effects of changes to temperature and precipitation patterns.

(ii) A natural hazard mitigation plan or similar plan that is guided by RCW 36.70A.020(14), that prioritizes actions that benefit overburdened communities, and that complies with the applicable requirements of this chapter, including the requirements set forth in this subsection (9)(e), may be adopted by reference to satisfy these requirements, except that to the extent any of the substantive requirements of this subsection (9)(e) are not addressed, or are inadequately addressed, in the referenced natural hazard mitigation plan, a county or city must supplement the natural hazard mitigation plan accordingly so that the adopted resiliency subelement complies fully with the substantive requirements of this subsection (9)(e).

(A) If a county or city intends to adopt by reference a federal emergency management agency natural hazard mitigation plan in order to meet all or part of the substantive requirements set forth in this subsection (9)(e), and the most recently adopted federal emergency management agency natural hazard mitigation plan does not comply with the requirements of this subsection (9)(e), the department may grant the county or city an extension of time in which to submit a natural hazard mitigation plan.

(B) Eligibility for an extension under this subsection prior to July 1, 2027, is limited to a city or county required to review and, if needed, revise its comprehensive plan on or before June 30, 2025, as provided in RCW 36.70A.130, or for a city or county with an existing, unexpired federal emergency management agency natural hazard mitigation plan scheduled to expire before December 31, 2024.

(C) Extension requests after July 1, 2027, may be granted if requirements for the resiliency subelement are amended or added by the legislature or if the department finds other circumstances that may result in a potential finding of noncompliance with a jurisdiction's existing and approved federal emergency management agency natural hazard mitigation plan.

(D) A city or county that wishes to request an extension of time must submit a request in writing to the department no later than the date on which the city or county is required to review and, if needed, revise its comprehensive plan as provided in RCW 36.70A.130.

(E) Upon the submission of such a request to the department, the city or county may have an additional 48 months from the date provided in RCW 36.70A.130 in which to either adopt by reference an updated federal emergency management agency natural hazard mitigation plan or adopt its own natural hazard mitigation plan, and to then submit that plan to the department.

(F) The adoption of ordinances, amendments to comprehensive plans, amendments to development regulations, and other nonproject actions taken by a county or city pursuant to (d) or (f) of this subsection in order to implement measures specified by the department pursuant to



section 5 of this act are not subject to administrative or judicial appeal under chapter 43.21C RCW.

(10) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The requirements of the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 apply only to those counties that are required or that choose to plan under RCW 36.70A.040 and that also meet either of the criteria set forth in (a) or (b) of this subsection on or after April 1, 2021, and the cities with populations greater than 6,000 as of April 1, 2021, within those counties:

(a) A county with a population density of at least 100 people per square mile and a population of at least 200,000;

(b) A county bordering on the Columbia and Snake rivers with a population density of at least 75 people per square mile and an annual growth rate of at least 1.65 percent; or

(c) A county located to the west of the crest of the Cascade mountains with a population of at least 130,000.

(2) The requirements of the amendments to the transportation element of RCW 36.70A.070 set forth in this act apply only to: (a) Counties and cities that meet the population criteria set forth in subsection (1) of this section; and (b) cities with populations of 6,000 or greater as of April 1, 2021, that are located in a county that is required or that chooses to plan under RCW 36.70A.040.

(3) The requirements of the amendments to the land use element of RCW 36.70A.070 set forth in this act apply only to: (a) Counties and cities that meet the population criteria set forth in subsection (1) or (2) of this section; and (b) counties that have a population of 20,000 or greater as of April 1, 2021, and that are required or that choose to plan under RCW 36.70A.040.

(4) Once a county meets either of the sets of criteria set forth in subsection (1) of this section, the requirement to conform with the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 remains in effect, even if the county no longer meets one of these sets of criteria.

(5) If the population of a county that previously had not been required to conform with the greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 changes sufficiently to meet either of the sets of criteria set forth in

subsection (1) of this section, the county, and the cities with populations greater than 6,000 as of April 1, 2021, within that county, shall adopt a greenhouse gas emissions reduction subelement of the climate change and resiliency element set forth in RCW 36.70A.070 at the next scheduled update of the comprehensive plan as set forth in RCW 36.70A.130.

(6) The population criteria used in this section must be based on population data as determined by the office of financial management.

**NEW SECTION. Sec. 5.** A new section is added to chapter 70A.45 RCW to read as follows:

(1) The department of commerce, in consultation with the department of ecology, the department of health, and the department of transportation, shall publish guidelines that specify a set of measures counties and cities may implement via updates to their comprehensive plans and development regulations that have a demonstrated ability to increase housing capacity within urban growth areas or reduce greenhouse gas emissions, allowing for consideration of the emissions reductions achieved through the adoption of statewide programs. The guidelines must prioritize measures that benefit overburdened communities, including communities that have experienced disproportionate harm due to air pollution and may draw upon the most recent health disparities data from the department of health to identify high pollution areas and disproportionately burdened communities. These guidelines must be developed consistent with an environmental justice assessment pursuant to RCW 70A.02.060 and the guidelines must include environmental justice assessment processes. The guidelines must be based on:

(a) The most recent greenhouse gas emissions report prepared by the department of ecology and the department of commerce pursuant to RCW 70A.45.020(2);

(b) The most recent city and county population estimates prepared by the office of financial management pursuant to RCW 43.62.035;

(c) The locations of major employment centers and transit corridors, for the purpose of increasing housing supply in these areas; and

(d) Available environmental justice data and data regarding access to public transportation for people with disabilities and for vulnerable populations.

(2)(a) The department of commerce, in consultation with the department of transportation, shall publish guidelines that specify a set of measures counties and cities may have available to them to take through updates to their comprehensive plans and development regulations that have a demonstrated ability to reduce per capita vehicle miles traveled, including measures that are designed to be achievable throughout the state, including in small cities and rural cities.

(b) The guidelines must be based on:

(i) The most recent greenhouse gas emissions report prepared by the department

of ecology and the department of commerce pursuant to RCW 70A.45.020(2);

(ii) The most recent city and county population estimates prepared by the office of financial management pursuant to RCW 43.62.035; and

(iii) The most recent summary of per capita vehicle miles traveled as compiled by the department of transportation.

(3) The department of commerce shall first publish the full set of guidelines described in subsections (1) and (2) of this section no later than December 31, 2025. The department of commerce shall update these guidelines at least every five years thereafter based on the most recently available data, and shall provide for a process for local governments and other parties to submit alternative actions for consideration for inclusion into the guidelines at least once per year. The department of commerce shall publish an intermediate set of guidelines no later than December 31, 2023, in order to be available for use by jurisdictions whose periodic updates are required by RCW 36.70A.130(5) to occur prior to December 31, 2025.

(4)(a) In any updates to the guidelines published after 2025, the department of commerce shall include an evaluation of the impact that locally adopted climate change and resiliency elements have had on local greenhouse gas emissions and per capita vehicle miles traveled reduction goals. The evaluation must also address the impact that locally adopted greenhouse gas emissions reduction subelements have had on meeting local housing goals and targets.

(b) The updates must also include an estimate of the impacts that locally adopted climate change and resiliency elements will have on achieving local greenhouse gas emissions and per capita vehicle miles traveled reduction goals. The evaluation must also include an estimate of the impact that locally adopted greenhouse gas emissions reduction subelements will have on meeting local housing goals and targets.

(c) The department may include in the specified guidelines what additional measures cities and counties should take to make additional progress on local reduction goals, including any measures that increase housing capacity within urban growth areas.

(5) The department of commerce may not propose or adopt any guidelines that would include any form of a road usage charge or any fees or surcharges related to vehicle miles traveled.

(6) The department of commerce may not propose or adopt any guidelines that would direct or require local governments to regulate or tax, in any form, transportation service providers, delivery vehicles, or passenger vehicles.

(7) The department of commerce, in the course of implementing this section, shall provide and prioritize options that support increased housing supply and diversity of housing types that assist counties and cities in meeting greenhouse gas emissions reduction, housing supply, and other requirements established under this chapter.

(8) The provisions of this section as applied to the department of transportation

are subject to the availability of amounts appropriated for this specific purpose.

(9) For purposes of this section, "overburdened communities" and "vulnerable populations" means the same as provided in RCW 36.70A.030.

NEW SECTION. **Sec. 6.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A county or city required to complete a greenhouse gas emissions reduction subelement may submit the subelement to the department for approval. When submitted to the department for approval, the subelement becomes effective when approved by the department as provided in this section. If a county or city does not seek department approval of the subelement, the effective date of the subelement is the date on which the comprehensive plan is adopted by the county or city.

(2) Notice of intent to apply for approval. (a) Not less than 120 days prior to applying for approval of a subelement, the county or city must notify the department in writing that it intends to apply for approval. The department shall review proposed subelements prior to final adoption and advise the county or city of the actions necessary to receive approval.

(b) The department may consult with other relevant state agencies in making its determination.

(c) The department shall publish notice in the Washington State Register that a city or county has notified the department of its intent to apply for approval and the department shall post a copy of the notice on the department website.

(3) Procedures for an application for approval. (a) After taking final action to adopt a greenhouse gas emissions reduction subelement, a city or county may apply to the department for approval of the subelement. A city or county must submit its application to the department within 10 days of taking final action.

(b) An application for approval must include, at a minimum, the following:

(i) A cover letter from the legislative authority requesting approval;

(ii) A copy of the adopted ordinance or resolution taking the legislative action or actions required to adopt the greenhouse gas emissions reduction subelement;

(iii) A statement explaining how the adopted subelement complies with the provisions of this chapter; and

(iv) A copy of the record developed by the city or county at any public meetings or public hearings at which action was taken on the greenhouse gas emissions reduction subelement.

(c) For purposes of this subsection, the terms "action" and "meeting" have the same definition as in RCW 42.30.020.

(4) Approval procedures. (a) The department shall strive to achieve final action to approve or deny an application within 180 days of the date of receipt of the application.

(b) The department must issue its decision in the form of a written statement, including findings of fact and conclusions,

and noting the date of the issuance of its decision. The department's issued decision must conspicuously and plainly state that it is the department's final decision and that there will be no further modifications to the proposed greenhouse gas emissions reduction subelement.

(c) The department will promptly publish its decision on the application for approval as follows:

(i) Notify the city or county in writing of its determination;

(ii) Publish a notice of action in the Washington State Register;

(iii) Post a notice of its decision on the agency website; and

(iv) Notify other relevant state agencies regarding the approval decision.

(5) The department shall approve a proposed greenhouse gas emissions reduction subelement unless it determines that the proposed greenhouse gas emissions reduction subelement is not consistent with the policy of RCW 36.70A.070 and, after they are adopted, the applicable guidelines.

(6) The department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment by a local government planning under RCW 36.70A.040 may be appealed according to the following provisions:

(a) The department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment by a local government planning under RCW 36.70A.040 may be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.

(b) A decision of the growth management hearings board concerning an appeal of the department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendment must be based solely on whether or not the adopted or amended greenhouse gas emissions reduction subelement, any adopted amendments to other elements of the comprehensive plan necessary to carry out the subelement, and any adopted or amended development regulations necessary to implement the subelement, comply with the goal set forth in RCW 36.70A.020(14) as it applies to greenhouse gas emissions reductions, RCW 36.70A.070(9) excluding RCW 36.70A.070(9)(e), the guidelines adopted under section 5 of this act applicable to the greenhouse gas emissions reduction subelement, or chapter 43.21C RCW.

**Sec. 7.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to read as follows:

(1) The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to

hear petitions alleging noncompliance with RCW 36.70A.5801;

(b) That the ~~((twenty))~~20-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

(c) That the approval of a work plan adopted under RCW 36.70A.735(1)(a) is not in compliance with the requirements of the program established under RCW 36.70A.710;

(d) That regulations adopted under RCW 36.70A.735(1)(b) are not regionally applicable and cannot be adopted, wholly or partially, by another jurisdiction; ~~((or))~~

(e) That a department certification under RCW 36.70A.735(1)(c) is erroneous; or

(f) That the department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendments by a local government planning under RCW 36.70A.040 was not in compliance with the joint guidance issued by the department pursuant to section 5 of this act.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within ~~((sixty))~~60 days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, the board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by the board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by the board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as the "board adjusted population projection." None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

**Sec. 8.** RCW 36.70A.320 and 1997 c 429 s 20 are each amended to read as follows:

(1) Except as provided in subsections (5) and (6) of this section, comprehensive plans

and development regulations, and amendments thereto, adopted under this chapter are presumed valid upon adoption.

(2) Except as otherwise provided in subsection (4) of this section, the burden is on the petitioner to demonstrate that any action taken by a state agency, county, or city under this chapter is not in compliance with the requirements of this chapter.

(3) In any petition under this chapter, the board, after full consideration of the petition, shall determine whether there is compliance with the requirements of this chapter. In making its determination, the board shall consider the criteria adopted by the department under RCW 36.70A.190(4). The board shall find compliance unless it determines that the action by the state agency, county, or city is clearly erroneous in view of the entire record before the board and in light of the goals and requirements of this chapter.

(4) A county or city subject to a determination of invalidity made under RCW 36.70A.300 or 36.70A.302 has the burden of demonstrating that the ordinance or resolution it has enacted in response to the determination of invalidity will no longer substantially interfere with the fulfillment of the goals of this chapter under the standard in RCW 36.70A.302(1).

(5) The shoreline element of a comprehensive plan and the applicable development regulations adopted by a county or city shall take effect as provided in chapter 90.58 RCW.

(6) The greenhouse gas emissions reduction subelement required by RCW 36.70A.070 shall take effect as provided in section 6 of this act.

**Sec. 9.** RCW 36.70A.190 and 2022 c 252 s 5 are each amended to read as follows:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, the presence of overburdened communities, and other relevant factors. The department shall establish funding levels for grants to community-based organizations for the specific purpose of advancing participation of vulnerable populations and overburdened communities in the planning process.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for

any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide services to facilitate the timely resolution of disputes between a federally recognized Indian tribe and a city or county.

(a) A federally recognized Indian tribe may request the department to provide facilitation services to resolve issues of concern with a proposed comprehensive plan and its development regulations, or any amendment to the comprehensive plan and its development regulations.

(b) Upon receipt of a request from a tribe, the department shall notify the city or county of the request and offer to assist in providing facilitation services to encourage resolution before adoption of the proposed comprehensive plan. Upon receipt of the notice from the department, the city or county must delay any final action to adopt any comprehensive plan or any amendment or its development regulations for at least 60 days. The tribe and the city or county may jointly agree to extend this period by notifying the department. A county or city must not be penalized for noncompliance under this chapter due to any delays associated with this process.

(c) Upon receipt of a request, the department shall provide comments to the county or city including a summary and supporting materials regarding the tribe's concerns. The county or city may either agree to amend the comprehensive plan as requested consistent with the comments from the department, or enter into a facilitated process with the tribe, which must be arranged by the department using a suitable expert to be paid by the department. This facilitated process may also extend the 60-

day delay of adoption, upon agreement of the tribe and the city or county.

(d) At the end of the 60-day period, unless by agreement there is an extension of the 60-day period, the city or county may proceed with adoption of the proposed comprehensive plan and development regulations. The facilitator shall write a report of findings describing the basis for agreements or disagreements that occurred during the process that are allowed to be disclosed by the parties and the resulting agreed-upon elements of the plan to be amended.

(7) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

(8) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, and adopt by rule guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies required by RCW 36.70A.070(9), subject to the following provisions:

(a) The model element must establish minimum requirements, and may include model options or voluntary cross-jurisdictional strategies, or both, for fulfilling the requirements of RCW 36.70A.070(9);

(b) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting and enhancing natural areas to foster resiliency to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(c) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns; and

(d) The rule must recognize and promote as many cobenefits of climate resilience as possible such as climate change mitigation, salmon recovery, forest health, ecosystem services, and socioeconomic health and resilience.

NEW SECTION. Sec. 10. A new section is added to chapter 47.80 RCW to read as follows:

The department shall compile, maintain, and publish a summary of the per capita vehicle miles traveled annually in each city in the state, and in the unincorporated portions of each county in the state.

NEW SECTION. Sec. 11. A new section is added to chapter 90.58 RCW to read as follows:

The department shall update its shoreline master program guidelines to require shoreline master programs to address the impact of sea level rise and increased storm severity on people, property, and shoreline natural resources and the environment.

Sec. 12. RCW 86.12.200 and 1991 c 322 s 3 are each amended to read as follows:

The county legislative authority of any county may adopt a comprehensive flood control management plan for any drainage basin that is located wholly or partially within the county.

A comprehensive flood control management plan shall include the following elements:

(1) Designation of areas that are susceptible to periodic flooding, from inundation by bodies of water or surface water runoff, or both, including the river's meander belt or floodway;

(2) Establishment of a comprehensive scheme of flood control protection and improvements for the areas that are subject to such periodic flooding, that includes: (a) Determining the need for, and desirable location of, flood control improvements to protect or preclude flood damage to structures, works, and improvements, based upon a cost/benefit ratio between the expense of providing and maintaining these improvements and the benefits arising from these improvements; (b) establishing the level of flood protection that each portion of the system of flood control improvements will be permitted; (c) identifying alternatives to in-stream flood control work; (d) identifying areas where flood waters could be directed during a flood to avoid damage to buildings and other structures; and (e) identifying sources of revenue that will be sufficient to finance the comprehensive scheme of flood control protection and improvements;

(3) Establishing land use regulations that preclude the location of structures, works, or improvements in critical portions of such areas subject to periodic flooding, including a river's meander belt or floodway, and permitting only flood-compatible land uses in such areas;

(4) Establishing restrictions on construction activities in areas subject to periodic floods that require the flood proofing of those structures that are permitted to be constructed or remodeled; ((and))

(5) Establishing restrictions on land clearing activities and development practices that exacerbate flood problems by increasing the flow or accumulation of flood waters, or the intensity of drainage, on low-lying areas. Land clearing activities do not include forest practices as defined in chapter 76.09 RCW; and

(6) Consideration of climate change impacts, including the impact of sea level rise and increased storm severity on people, property, natural resources, and the environment.

A comprehensive flood control management plan shall be subject to the minimum

requirements for participation in the national flood insurance program, requirements exceeding the minimum national flood insurance program that have been adopted by the department of ecology for a specific floodplain pursuant to RCW 86.16.031, and rules adopted by the department of ecology pursuant to RCW 86.26.050 relating to floodplain management activities. When a county plans under chapter 36.70A RCW, it may incorporate the portion of its comprehensive flood control management plan relating to land use restrictions in its comprehensive plan and development regulations adopted pursuant to chapter 36.70A RCW.

**NEW SECTION. Sec. 13.** A new section is added to chapter 43.21C RCW to read as follows:

The adoption of ordinances, amendments to comprehensive plans, amendments to development regulations, and other nonproject actions taken by a county or city pursuant to RCW 36.70A.070(9) (d) or (e) in order to implement measures specified by the department of commerce pursuant to section 5 of this act are not subject to administrative or judicial appeals under this chapter.

**Sec. 14.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, ~~((sixty))~~ 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, ~~((eighty))~~ 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(4) "City" means any city or town, including a code city.

(5) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county

or city that is adopted pursuant to this chapter.

(6) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(7) "Department" means the department of commerce.

(8) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(9) "Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

(10) "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

(11) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(12) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The

proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

(13) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

(14) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(15) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(16) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(17) "Minerals" include gravel, sand, and valuable metallic substances.

(18) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(19) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with

community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

(20) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(21) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(22) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(23) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(24) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(25) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include

storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(26) "Short line railroad" means those railroad lines designated class II or class III by the United States surface transportation board.

(27) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(28) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(29) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(30) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(31) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

(32) "Per capita vehicle miles traveled" means the number of miles traveled using cars and light trucks in a calendar year divided by the number of residents in Washington. The calculation of this value

excludes vehicle miles driven conveying freight.

(33) "Active transportation" means forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric assist bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with disabilities act and the distinct needs of each form of active transportation.

(34) "Transportation system" means all infrastructure and services for all forms of transportation within a geographical area, irrespective of the responsible jurisdiction or transportation provider.

(35) "Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities and the equitable distribution of resources and benefits.

(36) "Active transportation facilities" means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way.

(37) "Green space" means an area of land, vegetated by natural features such as grass, trees, or shrubs, within an urban context and less than one acre in size that creates public value through one or more of the following attributes:

- (a) Is accessible to the public;
- (b) Promotes physical and mental health of residents;
- (c) Provides relief from the urban heat island effects;
- (d) Promotes recreational and aesthetic values;
- (e) Protects streams or water supply; or
- (f) Preserves visual quality along highway, road, or street corridors.

(38) "Green infrastructure" means a wide array of natural assets and built structures within an urban growth area boundary, including parks and other areas with protected tree canopy, and management practices at multiple scales that manage wet weather and that maintain and restore natural hydrology by storing, infiltrating, evapotranspiring, and harvesting and using stormwater.

(39) "Wildland urban interface" means the geographical area where structures and other human development meets or intermingles with wildland vegetative fuels.

(40) "Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not



limited to, highly impacted communities as defined in RCW 19.405.020.

(41)(a) "Vulnerable populations" means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

(b) "Vulnerable populations" includes, but is not limited to:

(i) Racial or ethnic minorities;

(ii) Low-income populations; and

(iii) Populations disproportionately impacted by environmental harms.

**Sec. 15.** RCW 36.70A.130 and 2022 c 287 s 1 and 2022 c 192 s 1 are each reenacted and amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ~~((ten))~~ 10-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and

schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the deadlines in subsections (4) and (5) of this section or in accordance with the provisions of subsection (6) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;

(ii) The development of an initial subarea plan for economic development located outside of the one hundred year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;

(iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iv) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; or

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.440, provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in subsections (4) and (5) of this section, its designated urban growth area or areas, patterns of development occurring within the urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the

unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding ~~((twenty))~~ 20-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(c) If, during the county's review under (a) of this subsection, the county determines revision of the urban growth area is not required to accommodate the urban growth projected to occur in the county for the succeeding 20-year period, but does determine that patterns of development have created pressure in areas that exceed available, developable lands within the urban growth area, the urban growth area or areas may be revised to accommodate identified patterns of development and likely future development pressure for the succeeding 20-year period if the following requirements are met:

(i) The revised urban growth area may not result in an increase in the total surface areas of the urban growth area or areas;

(ii) The areas added to the urban growth area are not or have not been designated as agricultural, forest, or mineral resource lands of long-term commercial significance;

(iii) Less than 15 percent of the areas added to the urban growth area are critical areas;

(iv) The areas added to the urban growth areas are suitable for urban growth;

(v) The transportation element and capital facility plan element have identified the transportation facilities, and public facilities and services needed to serve the urban growth area and the funding to provide the transportation facilities and public facilities and services;

(vi) The urban growth area is not larger than needed to accommodate the growth planned for the succeeding 20-year planning period and a reasonable land market supply factor;

(vii) The areas removed from the urban growth area do not include urban growth or urban densities; and

(viii) The revised urban growth area is contiguous, does not include holes or gaps, and will not increase pressures to urbanize rural or natural resource lands.

(4) Except as otherwise provided in subsections (6) and (8) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2015, for King, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2016, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2017, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2018, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) Except as otherwise provided in subsections (6) and (8) of this section, following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) ~~((On))~~ Except as provided in subsection (10) of this section, on or before December 31, 2024, with the following review and, if needed, revision on or before June 30, 2034, and then every ~~((ten))~~ 10 years thereafter, for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2025, and every ~~((ten))~~ 10 years thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2026, and every ~~((ten))~~ 10 years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2027, and every ~~((ten))~~ 10 years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman counties and the cities within those counties.

(6) (a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the deadlines established in subsections (4) and (5) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline established in subsection (5) of this section: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(c) A city that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the twenty-four months following the deadline

established in subsection (5) of this section: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the deadline established in subsection (5) of this section as of that date.

(d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(7)(a) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities that meet the following criteria may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70A.135 RCW:

(i) Complying with the deadlines in this section; or

(ii) Demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas.

(b) A county or city that is fewer than ~~((twelve))~~ 12 months out of compliance with the schedules in this section for development regulations that protect critical areas is making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8)(a) Except as otherwise provided in (c) of this subsection, if a participating watershed is achieving benchmarks and goals for the protection of critical areas functions and values, the county is not required to update development regulations to protect critical areas as they specifically apply to agricultural activities in that watershed.

(b) A county that has made the election under RCW 36.70A.710(1) may only adopt or amend development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed if:

(i) A work plan has been approved for that watershed in accordance with RCW 36.70A.725;

(ii) The local watershed group for that watershed has requested the county to adopt or amend development regulations as part of a work plan developed under RCW 36.70A.720;

(iii) The adoption or amendment of the development regulations is necessary to enable the county to respond to an order of the growth management hearings board or court;

(iv) The adoption or amendment of development regulations is necessary to address a threat to human health or safety; or

(v) Three or more years have elapsed since the receipt of funding.

(c) Beginning ~~((ten))~~ 10 years from the date of receipt of funding, a county that has made the election under RCW 36.70A.710(1) must review and, if necessary, revise development regulations to protect

critical areas as they specifically apply to agricultural activities in a participating watershed in accordance with the review and revision requirements and timeline in subsection (5) of this section. This subsection (8)(c) does not apply to a participating watershed that has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's goals and benchmarks for protection have been met.

(9)(a) Counties subject to planning deadlines established in subsection (5) of this section that are required or that choose to plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or (ii) of this subsection, and cities with a population of more than 6,000 as of April 1, 2021, within those counties, must provide to the department an implementation progress report detailing the progress they have achieved in implementing their comprehensive plan five years after the review and revision of their comprehensive plan. Once a county meets the criteria in (a)(i) or (ii) of this subsection, the implementation progress report requirements remain in effect thereafter for that county and the cities therein with populations greater than 6,000 as of April 1, 2021, even if the county later no longer meets either or both criteria. A county is subject to the implementation progress report requirement if it meets either of the following criteria on or after April 1, 2021:

(i) The county has a population density of at least 100 people per square mile and a population of at least 200,000; or

(ii) The county has a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management.

(b) The department shall adopt guidelines for indicators, measures, milestones, and criteria for use by counties and cities in the implementation progress report that must cover:

(i) The implementation of previously adopted changes to the housing element and any effect those changes have had on housing affordability and availability within the jurisdiction;

(ii) Permit processing timelines; and

(iii) Progress toward implementing any actions required to achieve reductions to meet greenhouse gas and vehicle miles traveled requirements as provided for in any element of the comprehensive plan under RCW 36.70A.070.

(c) If a city or county required to provide an implementation progress report under this subsection (9) has not implemented any specifically identified regulations, zoning and land use changes, or taken other legislative or administrative action necessary to implement any changes in the most recent periodic update in their comprehensive plan by the due date for the implementation progress report, the city or county must identify the need for such action in the implementation progress report. Cities and counties must adopt a work plan to implement any necessary regulations, zoning and land use changes, or take other legislative or administrative action identified in the implementation

progress report and complete all work necessary for implementation within two years of submission of the implementation progress report.

(10) Any county or city that is required by section 4 of this act to include in its comprehensive plan a climate change and resiliency element and that is also required by subsection (5)(a) of this section to review and, if necessary, revise its comprehensive plan on or before December 31, 2024, must update its transportation element and incorporate a climate change and resiliency element into its comprehensive plan as part of the first implementation progress report required by subsection (9) of this section if funds are appropriated and distributed by December 31, 2027, as required under RCW 36.70A.070(10).

**NEW SECTION. Sec. 16.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Notwithstanding the requirements of RCW 36.70A.070(10), it is the intent that jurisdictions subject to RCW 36.70A.130(5) (b) implement the requirements of this act on or before June 30, 2025. Any funding provided to cover applicable local government costs related to implementation of this act shall be considered timely.

(2) This section expires July 31, 2025.

**NEW SECTION. Sec. 17.** A new section is added to chapter 43.20 RCW to read as follows:

(1)(a) Beginning with water system plans initiated after June 30, 2025, the department shall ensure water system plans for group A community public water systems serving 1,000 or more connections include a climate resilience element at the time of approval.

(b) The department must update its water system planning guidebook to assist water systems in implementing the climate resilience element, including guidance on any available technical and financial resources.

(c) The department shall provide technical assistance to public water systems based on their system size, location, and water source, by providing references to existing state or federal risk management, climate resiliency, or emergency management and response tools that may be used to satisfy the climate resilience element.

(d) Subject to the availability of amounts appropriated for this specific purpose, the University of Washington climate impacts group shall assist the department in the development of tools for the technical assistance to be provided in (c) of this subsection.

(2) To fulfill the requirements of the climate resilience element, water systems must:

(a) Determine which extreme weather events pose significant challenges to their system and build scenarios to identify potential impacts;

(b) Assess critical assets and the actions necessary to protect the system from the consequences of extreme weather events on system operations; and

(c) Generate reports describing the costs and benefits of the system's risk reduction strategies and capital project needs.

(3) Climate readiness projects, including planning to meet the requirements of this section and actions to protect a water system from extreme weather events, including infrastructure and design projects, are eligible for financial assistance under RCW 70A.125.180. The department must develop grant and loan eligibility criteria and consider applications from water systems that identify climate readiness projects.

**Sec. 18.** RCW 70A.125.180 and 2020 c 20 s 1359 are each amended to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department shall provide financial assistance through a water system acquisition and rehabilitation program, hereby created. ~~((The program shall be jointly administered with the public works board and the department of commerce.))~~ The ~~((agencies))~~ department shall adopt guidelines for the program using as a model the procedures and criteria of the drinking water revolving loan program authorized under RCW 70A.125.160. All financing provided through the program must be in the form of grants or loans that partially cover project costs, including projects and planning required under RCW 36.70A.480. The maximum grant or loan to any eligible entity may not exceed ~~((twenty-five))~~ 25 percent of the funds allocated to the appropriation in any fiscal year.

**NEW SECTION. Sec. 19.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Griffey moved the adoption of amendment (189) to the striking amendment (155):

On page 14, line 12 of the striking amendment, after "resources;" insert "and"

On page 14, beginning on line 21 of the striking amendment, strike all of subsection (C) and insert "~~((C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;))~~"

Representatives Griffey, Orcutt, Barkis, Waters, Christian and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

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

Amendment (189) to the striking amendment (155) was not adopted.

Representative Goehner moved the adoption of amendment (185) to the striking amendment (155):

On page 18, after line 38 of the striking amendment, insert the following:

"(f) Any jurisdiction that imposes a requirement under this act on private property or an individual to reduce or eliminate greenhouse gas emissions or otherwise comply with the climate change and resiliency element of the comprehensive plan must show that the requirement will result in a measurable improvement to climate change in the form of reductions in water temperatures, including salmon-bearing waterbodies, within the jurisdiction. If the jurisdiction cannot show measurable improvement then the jurisdiction need not implement such provisions that are ineffective in reducing greenhouse gas emissions."

Representatives Goehner, Dye, Abbarno, Orcutt, Klicker, Christian, Ybarra, Harris and Jacobsen spoke in favor of the adoption of the amendment to the striking amendment.

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

Amendment (185) to the striking amendment (155) was not adopted.

Representative Maycumber moved the adoption of amendment (200) to the striking amendment (155):

On page 18, after line 38 of the striking amendment, insert the following:

"(f) In efforts to equitably address resilience and reduce the adverse impacts in human communities under this section, the department, counties, and cities may not directly or indirectly curtail the use of existing technologies and fuels that are locally available for a preference to use carbon reduction technologies that benefit foreign governments or companies that have laws and standards that do not meet Washington's labor, equity, and inclusion standards."

Representatives Maycumber, Dye, Abbarno, Corry, Christian and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

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

Amendment (200) to the striking amendment (155) was not adopted.

Representative Dye moved the adoption of amendment (202) to the striking amendment (155):

On page 18, after line 38 of the striking amendment, insert the following:

"(f) Any jurisdiction that imposes a requirement under this section on private property or an individual within urban areas to increase tree canopy must show that the requirement will result in a measurable improvement to climate change in the form of reductions in temperatures associated with urban heat island effect within the jurisdiction. If, after ten years, there is no significant reduction in temperature, the

jurisdiction need not implement the tree canopy requirements in this chapter."

Representatives Dye, Connors, Abbarno, Christian and Jacobsen spoke in favor of the adoption of the amendment to the striking amendment.

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

Amendment (202) to the striking amendment (155) was not adopted.

Representative Maycumber moved the adoption of amendment (199) to the striking amendment (155):

On page 20, after line 12 of the striking amendment, insert the following:

"(7) Compliance with the provisions of this act is voluntary for rural counties as defined in RCW 82.14.370 and counties that abut an international border."

Representatives Maycumber, Abbarno, Schmick, Couture, Dent, Sandlin, Dye, Chambers, Walsh, Goehner, Klicker, Ybarra and Christian spoke in favor of the adoption of the amendment to the striking amendment.

Representative Ramel 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 (199) to the striking amendment (155) and the amendment was not adopted by the following vote: Yeas, 41; Nays, 57; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Amendment (199) to the striking amendment (155) was not adopted.

Representative Goehner moved the adoption of amendment (196) to the striking amendment (155):

On page 21, line 4 of the striking amendment, after "(2)" insert "Any state agency developing guidelines for implementing any of the provisions of the climate change and resiliency element or its subelements must treat the provisions of the guidelines as if they are provisions of a rule so that the final provisions are compliant with the rule-making restrictions in the administrative procedure act, RCW 34.05.328, for significant legislative rules. Guidelines may not recommend that any local jurisdiction impose requirements that conflict with or exceed the rule-making

limitations in RCW 34.05.328(1)(d), (e), (f), (g), and (h). State agency guidance manuals may not recommend requirements that conflict with or are contrary to state or federal law.

(3)"

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

On page 29, after line 39 of the striking amendment, insert the following:

"(9) Any state agency developing a rule or guidance implementing any of the provisions of the climate change and resiliency element or its subelements must abide by the requirements of the administrative procedure act, RCW 34.05.328, for significant legislative rules. Guidance may not recommend that any local jurisdiction impose requirements that conflict with or exceed the rule-making limitations in RCW 34.05.328(1)(d), (e), (f), (g), and (h). State agency guidance manuals may not recommend requirements that conflict with or are contrary to state or federal law."

On page 30, line 12 of the striking amendment, after "environment." insert "Any state agency developing a rule or guidelines to implement the provisions of this section must abide by the requirements of the administrative procedure act, RCW 34.05.328, for significant legislative rules. Rules and guidelines implementing this section may not recommend that any local jurisdiction impose requirements that conflict with or exceed the rule-making limitations in RCW 34.05.328 (1)(d), (e), (f), (g), and (h). State agency guidance manuals may not recommend requirements that conflict with or are contrary to state or federal law."

Representatives Goehner, Abbarno and Orcutt spoke in favor of the adoption of the amendment to the striking amendment.

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

Amendment (196) to the striking amendment (155) was not adopted.

Representative Goehner moved the adoption of amendment (198) to the striking amendment (155):

On page 21, line 38 of the striking amendment, after "targets." insert "If the department or a county, city, or town finds that the climate change and resiliency element and any implementing development regulations or rules have resulted in a reduction to zoned housing capacity, and the local jurisdiction identifies a shortage of housing, then the city, county, or town may adopt a resolution with such findings, send a copy of the resolution to the department, and on the day the resolution is adopted stop implementing the climate change and resiliency element and its implementing development regulations and rules until there is no longer a housing shortage in the city, county, or town."

Representatives Goehner, Abbarno, Jacobsen, Connors, Christian and Cheney spoke in favor of the adoption of the amendment to the striking amendment.

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

Amendment (198) to the striking amendment (155) was not adopted.

Representative Jacobsen moved the adoption of amendment (172) to the striking amendment (155):

On page 29, beginning on line 10 of the striking amendment, after "(8)" strike all material through "creates" on line 15 and insert "(a) A task force comprised of five county commissioners and five city commissioners from different counties and cities that represent different sized jurisdictions is directed to create a model climate change and resilience element in accordance with this section. The members representing cities shall be appointed by a statewide organization representing all of Washington's cities. The members representing counties shall be appointed by a statewide organization representing all of Washington's counties."

(b) From this membership two co-chairs from differing major political parties as defined in 29A.04.086 shall be chosen.

(c) The task force may include an employee from each of the associations that represent cities, counties, and county elected officials.

(d) The department of commerce, the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, and the emergency management division of the military department shall designate one non-voting member from their respective departments to serve on the task force. These departments shall cooperate with the task force and provide information as the co-chairs may reasonably request.

(e) The department of commerce may convene the first task force meeting no later than September 1, 2023 if the city and county elected officials have not called a meeting prior to that date.

(f) The task force shall create"

On page 29, at the beginning of line 20 of the striking amendment, strike "(a)" and insert "(i)"

On page 29, at the beginning of line 24 of the striking amendment, strike "(b)" and insert "(ii)"

On page 29, at the beginning of line 31 of the striking amendment, strike "(c)" and insert "(iii)"

On page 29, at the beginning of line 36 of the striking amendment, strike "(d) The rule" and insert "(iv) The model element"

Representatives Jacobsen, Abbarno, Orcutt and Christian spoke in favor of the adoption of the amendment to the striking amendment.

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

Amendment (172) to the striking amendment (155) was not adopted.

Representative Dye moved the adoption of amendment (201) to the striking amendment (155):

On page 29, line 27 of the striking amendment, after "infrastructure" insert "and the electrical grid with its supporting infrastructures,"

On page 46, after line 33 of the striking amendment, insert the following:

"NEW SECTION. Sec. 17. A new section is added to chapter 36.70A RCW to read as follows:

(1) In compliance with the public facilities and services and climate change and resiliency goals, cities and counties must consult with utilities and ratepayers to ensure that the comprehensive plans and development regulations are consistent with the integrated resource plan and clean energy action plan of the utilities that serve customers in the jurisdiction. During the consultation, cities and counties may determine whether the utilities are planning for sufficient electric capacity so every household could choose to have air conditioning in hot weather, heat in cold weather, at least one electric vehicle charger, medical devices, all kitchen appliances, water heaters, washer and dryer, lights, televisions, computers, and cell phones without interruption of electrical services.

(2) Siting of new generation, upgraded transformers and substations, and investment in replacement and upgrades of transition lines while keeping electricity rates affordable are crucial elements of the climate change and resiliency policy.

(3) Elimination of base load capacity without an equivalent or greater amount of base load electrical generation is contrary to the climate change and resiliency goal."

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

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

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

Amendment (201) to the striking amendment (155) was not adopted.

Representative Abbarno moved the adoption of amendment (173) to the striking amendment (155):

On page 29, line 35 of the striking amendment, after "patterns;" strike "and"

On page 29, line 39 of the striking amendment, after "resilience" insert "and (e) The model element, in addressing protection, restoration, and enhancement of natural infrastructure, providing vital habitat and safe passage of species

migrations, and improving socioeconomic health under this section, must include policies that rehouse unsheltered people living on public land and clean up encampments, especially in areas near aquifers and waterways"

Representatives Abbarno, Orcutt, Jacobsen, Walsh, Christian, Graham, McClintock, Volz and Maycumber spoke in favor of the adoption of the amendment to the striking amendment.

Representative Alvarado 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 (173) to the striking amendment (155) and the amendment was not adopted by the following vote: Yeas, 43; Nays, 55; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Amendment (173) to the striking amendment (155) was not adopted.

Representative Griffey moved the adoption of amendment (188) to the striking amendment (155):

On page 46, after line 33 of the striking amendment, insert the following:

"NEW SECTION. Sec. 17. A new section is added to chapter 36.70A RCW to read as follows:

Green spaces and green infrastructure may not be sited on any location that would cause a net loss of buildable land within the jurisdiction. A jurisdiction may allow for additional development elsewhere within the jurisdiction, including by adjusting urban growth area boundaries, in order to compensate for the use of buildable land for green spaces and green infrastructure. Required green spaces may not be extracted from private property through a development regulation or through permits. Required green spaces may only be established on public land or by purchase of such property."

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

Representatives Griffey, Abbarno, Couture, Orcutt, Maycumber and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Alvarado 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 (188) to the striking amendment (155) and the amendment was not adopted by the following vote: Yeas, 43; Nays, 55; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Amendment (188) to the striking amendment (155) was not adopted.

Representative Goehner moved the adoption of amendment (197) to the striking amendment (155):

On page 1, line 20 of the striking amendment, after "emissions" strike "and per capita vehicle miles traveled,"

On page 2, line 40 of the striking amendment, after "emissions" strike "and per capita vehicle miles traveled"

On page 6, line 4 of the striking amendment, after "activity" strike all material through "state" on line 6

On page 16, line 26 of the striking amendment, after "state;" insert "and"

On page 16, beginning on line 27 of the striking amendment, strike all of subsection (B)

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

On page 16, line 37 of the striking amendment, after "reductions" strike "or per capita vehicle miles traveled reductions"

On page 17, line 3 of the striking amendment, after "emissions" strike "or per capita vehicle miles traveled"

On page 21, beginning on line 4 of the striking amendment, strike all of subsection (2)

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

On page 21, line 35 of the striking amendment, after "emissions" strike "and per capita vehicle miles traveled"

On page 22, line 1 of the striking amendment, after "emissions" strike "and per capita vehicle miles traveled"

On page 22, beginning on line 11 of the striking amendment, after "charge" strike all material through "traveled" on line 12

On page 30, beginning on line 1 of the striking amendment, strike all of section 10

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

On page 37, beginning on line 26 of the striking amendment, strike all of subsection (32)

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

On page 45, line 40 of the striking amendment, after "gas" strike "and vehicle miles traveled" and insert "((~~and vehicle miles traveled~~))"

Representatives Goehner, Abbarno, Graham, Christian, Walsh and Maycumber spoke in favor of the adoption of the amendment to the striking amendment.

Representative Alvarado 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 (197) to the striking amendment (155) and the amendment was not adopted by the following vote: Yeas, 44; Nays, 54; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Reeves, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Amendment (197) to the striking amendment (155) was not adopted.

Representatives Duerr and Goehner spoke in favor of the adoption of the striking amendment.

The striking amendment (155) 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 Duerr and Fitzgibbon spoke in favor of the passage of the bill.



Representatives Dye, Abbarno, Griffey, Ybarra, Connors, Sandlin, McEntire, Christian, Hutchins, Goechner and Couture spoke against the passage of the bill.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1181.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1181, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goechner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1181, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

**HOUSE BILL NO. 1575, by Representatives Reed, Berry, Berg, Taylor, Farivar, Stonier, Peterson, Senn, Doglio, Cortes, Ryu, Fosse, Springer, Bateman, Goodman, Ramel, Bergquist and Pollet**

**Modifying the sales and use tax for cultural access programs by allowing the tax to be imposed by a councilmanic or commission authority and defining timelines and priorities for action.**

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 Reed spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1575.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1575, and the bill passed the House by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chapman, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri,

Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bronoske, Caldier, Chambers, Chandler, Cheney, Chopp, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goechner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

HOUSE BILL NO. 1575, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1394, by Representatives Senn, Goodman, Simmons, Lekanoff and Doglio**

**Creating a developmentally appropriate response to youth who commit sexual offenses.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1394 was substituted for House Bill No. 1394 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1394 was read the second time.

With the consent of the House, amendment (086) was withdrawn.

Representative Walsh moved the adoption of amendment (166):

On page 7, line 13, after "age" insert "14 or"

On page 7, line 15, after "age" insert "14 or"

On page 7, line 27, after "age" insert "14 or"

On page 7, line 33, after "age" strike "15, 16, or" and insert "14 through"

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

Amendment (166) was adopted.

Representative Couture moved the adoption of amendment (256):

On page 21, after line 4, insert the following:

**"Sec. 9.** RCW 13.40.210 and 2017 3rd sp.s. c 6 s 609 are each amended to read as follows:

(1) The secretary shall set a release date for each juvenile committed to its custody. The release date shall be within the prescribed range to which a juvenile has been committed under RCW 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The

secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the release of any juvenile under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for ~~((rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion,))~~ a sex offense as defined under RCW 9.94A.030 the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section and for offenders who receive a juvenile residential commitment sentence for theft of a motor vehicle, possession of a stolen motor vehicle, or taking a motor vehicle without permission 1. A juvenile adjudicated for unlawful possession of a firearm, possession of a stolen firearm, theft of a firearm, or drive-by shooting may participate in aggression replacement training, functional family therapy, or functional family parole

aftercare if the juvenile meets eligibility requirements for these services. The decision to place an offender in an evidence-based parole program shall be based on an assessment by the department of the offender's risk for reoffending upon release and an assessment of the ongoing treatment needs of the juvenile. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii) pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community restitution. Community restitution for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community restitution may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled

if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) and (vi) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030; and (vi) the secretary may return any of the conditions or may return the offender to confinement for the remainder of the sentence range if the youth has completed the basic training camp program as described in RCW 13.40.320.

(b) The secretary may modify parole and order any of the conditions or may return the offender to confinement for up to twenty-four weeks if the offender was sentenced for a sex offense as defined under RCW 9A.44.128 and is known to have violated the terms of parole. Confinement beyond thirty days is intended to only be used for a small and limited number of sex offenders. It shall only be used when other graduated sanctions or interventions have not been effective or the behavior is so egregious it warrants the use of the higher level intervention and the violation: (i) Is a known pattern of behavior consistent with a previous sex offense that puts the youth at high risk for reoffending sexually; (ii) consists of sexual behavior that is determined to be predatory as defined in RCW 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to a recent overt act. The total number of days of confinement for violations of parole conditions during the parole period shall not exceed the number of days provided by the maximum sentence imposed by the disposition for the underlying offense pursuant to RCW 13.40.0357. The department shall not aggregate multiple parole violations that occur prior to the parole revocation hearing and impose consecutive twenty-four week periods of confinement for each parole violation. The department is authorized to engage in rule making pursuant to chapter 34.05 RCW, to implement this subsection, including narrowly defining the behaviors that could lead to this higher level intervention.

(c) If the department finds that any juvenile in a program of parole has

possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of children, youth, and families shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section."

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

Correct the title.

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

Amendment (256) was adopted.

Representative Dent moved the adoption of the striking amendment (090):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.24.550 and 2015 c 261 s 1 are each amended to read as follows:

(1) In addition to the disclosure under subsection (5) of this section, public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding: (a) Any person adjudicated or convicted of a sex offense as defined in RCW 9A.44.128 or a kidnapping offense as defined by RCW 9A.44.128; (b) any person under the jurisdiction of the indeterminate sentence review board as the result of a sex offense or kidnapping offense; (c) any person committed as a sexually violent predator under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW; (d) any person found not guilty of a sex offense or kidnapping offense by reason of insanity under chapter 10.77 RCW; and (e) any person found incompetent to stand trial for a sex offense or kidnapping offense and subsequently committed under chapter 71.05 or 71.34 RCW.

(2) Except for the information specifically required under subsection (5) of this section, the extent of the (~~public disclosure~~) community notification of relevant and necessary information shall be rationally related to: (a) The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community

members for information to enhance their individual and collective safety.

(3) Except for the information specifically required under subsection (5) of this section, local law enforcement agencies shall consider the following guidelines in determining the extent of (~~a public disclosure~~) community notification made under this section: (a) For offenders classified as risk level I, the agency shall share information with other appropriate law enforcement agencies and, if the offender is a student, the public or private school regulated under Title 28A RCW or chapter 72.40 RCW which the offender is attending, or planning to attend. The agency may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense, any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found, and any individual who requests information regarding a specific offender; (b) for offenders classified as risk level II, the agency may also disclose relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, public libraries, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; (c) for offenders classified as risk level III, the agency may also disclose relevant, necessary, and accurate information to the public at large; and (d) because more localized notification is not feasible and homeless and transient offenders may present unique risks to the community, the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient.

(4) The county sheriff with whom an offender classified as risk level III is registered shall release a sex offender community notification that conforms to the guidelines established under RCW 4.24.5501.

(5)(a) When funded by federal grants or other sources, the Washington association of sheriffs and police chiefs shall create and maintain a statewide registered kidnapping and sex offender website, which shall be available to the public. The website shall post all level III and level II registered sex offenders, level I registered sex offenders only during the time they are out of compliance with registration requirements under RCW 9A.44.130 or if lacking a fixed residence as provided in RCW 9A.44.130, and all registered kidnapping offenders in the state of Washington.

(i) For level III offenders, the website shall contain, but is not limited to, the registered sex offender's name, relevant criminal convictions, address by hundred block, physical description, and photograph. The website shall provide mapping capabilities that display the sex offender's address by hundred block on a map. The website shall allow citizens to search for registered sex offenders within the state of

Washington by county, city, zip code, last name, and address by hundred block.

(ii) For level II offenders, and level I sex offenders during the time they are out of compliance with registration requirements under RCW 9A.44.130, the website shall contain, but is not limited to, the same information and functionality as described in (a)(i) of this subsection, provided that it is permissible under state and federal law. If it is not permissible, the website shall be limited to the information and functionality that is permissible under state and federal law.

(iii) For kidnapping offenders, the website shall contain, but is not limited to, the same information and functionality as described in (a)(i) of this subsection, provided that it is permissible under state and federal law. If it is not permissible, the website shall be limited to the information and functionality that is permissible under state and federal law.

(b) Law enforcement agencies must provide information requested by the Washington association of sheriffs and police chiefs to administer the statewide registered kidnapping and sex offender website.

(c)(i) (~~Within~~) Except as provided in (c)(iii) of this subsection, within five business days of the Washington association of sheriffs and police chiefs receiving any public record request under chapter 42.56 RCW for sex offender and kidnapping offender information, records or website data it holds or maintains pursuant to this section or a unified sex offender registry, the Washington association of sheriffs and police chiefs shall refer the requester in writing to the appropriate law enforcement agency or agencies for submission of such a request. The Washington association of sheriffs and police chiefs shall have no further obligation under chapter 42.56 RCW for responding to such a request.

(ii) This (~~subparagraph~~) subsection (5) (c) of this section is remedial and applies retroactively.

Information held by or accessible to the Washington association of sheriffs and police chiefs for a person who is required to register under RCW 9A.44.130 for an offense committed when under age 18 is exempt from public disclosure under chapter 42.56 RCW.

(6)(a) Law enforcement agencies responsible for the registration and dissemination of information regarding offenders required to register under RCW 9A.44.130 shall assign a risk level classification to all offenders after consideration of: (i) Any available risk level classifications provided by the department of corrections, the department of social and health services, and the indeterminate sentence review board; (ii) the agency's own application of a sex offender risk assessment tool; and (iii) other information and aggravating or mitigating factors known to the agency and deemed rationally related to the risk posed by the offender to the community at large.

(b) A sex offender shall be classified as a risk level I if his or her risk assessment and other information or factors deemed relevant by the law enforcement agency

indicate he or she is at a low risk to sexually reoffend within the community at large. A sex offender shall be classified as a risk level II if his or her risk assessment and other information or factors deemed relevant by the law enforcement agency indicate he or she is at a moderate risk to sexually reoffend within the community at large. A sex offender shall be classified as a risk level III if his or her risk assessment and other information or factors deemed relevant by the law enforcement agency indicate he or she is at a high risk to sexually reoffend within the community at large.

(c) The agency shall make a good faith effort to notify the public and residents within a reasonable period of time after the offender registers with the agency.

(d) Agencies may develop a process to allow an offender to petition for review of the offender's assigned risk level classification. The timing, frequency, and process for review are at the sole discretion of the agency.

(7) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a law enforcement agency or official to classify an offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(8) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section.

~~(9) ((Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law)) Sex offender and kidnapping offender information for a person who is required to register under RCW 9A.44.130 for an offense committed when under age 18 is exempt from public disclosure under chapter 42.56 RCW.~~

(10) When a law enforcement agency or official classifies an offender differently than the offender is classified by the end of sentence review committee at the time of the offender's release from confinement, the

law enforcement agency or official shall notify the end of sentence review committee and the Washington state patrol and submit its reasons supporting the change in classification.

(11) As used in this section, "law enforcement agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

**Sec. 2.** RCW 42.56.240 and 2022 c 268 s 31 are each amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070, except that copies of license applications or information on the applications may be released to law enforcement or corrections agencies or to persons and entities as authorized under RCW 9.41.815;

(5) Information revealing the specific details that describe an alleged or proven child victim of sexual assault under age eighteen, or the identity or contact information of an alleged or proven child victim of sexual assault who is under age eighteen. Identifying information includes the child victim's name, addresses, location, photograph, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and user names and passwords;

(6) Information contained in a local or regionally maintained gang database as well

as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Information compiled and submitted for the purpose of sex offender and kidnapping offender registration for a person who is required to register under RCW 9A.44.130 for an offense committed when under age 18, regardless of whether the information is held by a law enforcement agency, the statewide unified sex offender notification and registration program under RCW 36.28A.040, the central registry of sex offenders and kidnapping offenders under RCW 43.43.540, or another public agency;

Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates;

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030;

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In

addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer while in the course of his or her official duties; and

(ii) "Intimate image" means an individual or individuals engaged in sexual activity, including sexual intercourse as defined in RCW 9A.44.010 and masturbation, or an individual's intimate body parts, whether nude or visible through less than opaque clothing, including the genitals, pubic area, anus, or postpubescent female nipple.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and

accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body worn camera recordings for at least sixty days and thereafter may destroy the records in accordance with the applicable records retention schedule;

(15) Any records and information contained within the statewide sexual assault kit tracking system established in RCW 43.43.545;

(16)(a) Survivor communications with, and survivor records maintained by, campus-affiliated advocates.

(b) Nothing in this subsection shall be construed to restrict access to records maintained by a campus-affiliated advocate in the event that:

(i) The survivor consents to inspection or copying;

(ii) There is a clear, imminent risk of serious physical injury or death of the survivor or another person;

(iii) Inspection or copying is required by federal law; or

(iv) A court of competent jurisdiction mandates that the record be available for inspection or copying.

(c) "Campus-affiliated advocate" and "survivor" have the definitions in RCW 28B.112.030;

(17) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs and information and records prepared, owned, used, or retained by the Washington state patrol pursuant to chapter 261, Laws of 2017; and

(18) Any and all audio or video recordings of child forensic interviews as defined in chapter 26.44 RCW. Such recordings are confidential and may only be disclosed pursuant to a court order entered upon a showing of good cause and with advance notice to the child's parent, guardian, or legal custodian. However, if the child is an emancipated minor or has attained the age of majority as defined in RCW 26.28.010, advance notice must be to the child. Failure to disclose an audio or video recording of a child forensic interview as defined in chapter 26.44 RCW is not grounds for penalties or other sanctions available under this chapter."

Correct the title.

Representative Dent spoke in favor of the adoption of the striking amendment.

Representative Senn spoke against the adoption of the striking amendment.

The striking amendment (090) was not adopted.

The bill was ordered engrossed.

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

Representatives Senn, Griffey, Couture and Dent spoke in favor of the passage of the bill.

Representatives Caldier, Walsh and Wilcox spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1394.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1394, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Sandlin, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Dye, Goehner, Graham, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh and Wilcox

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1394, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1477, by Representatives Thai, Street, Doglio, Berry, Chapman, Santos, Ryu, Alvarado, Ramel, Macri, Ormsby, Leavitt, Pollet and Fey**

#### **Making changes to the working families' tax credit.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1477 was substituted for House Bill No. 1477 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1477 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 Thai and Orcutt spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representative Farivar was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1477.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1477, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Rude

Excused: Representative Farivar

SECOND SUBSTITUTE HOUSE BILL NO. 1477, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1559, by Representatives Entenman, Fitzgibbon, Stonier, Paul, Riccelli, Bergquist, Pollet and Leavitt**

**Establishing the student basic needs at public postsecondary institutions act.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1559 was substituted for House Bill No. 1559 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1559 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 Entenman and Reed spoke in favor of the passage of the bill.

Representatives Ybarra, Chambers, Harris and Sandlin spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1559.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1559, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Farivar



SECOND SUBSTITUTE HOUSE BILL NO. 1559, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1621, by Representatives Ryu, Duerr, Pollet, Kloba and Senn**

**Concerning standardizing local government procurement rules among special purpose districts, first-class and second-class cities, and public utility districts.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1621 was substituted for House Bill No. 1621 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1621 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 Ryu and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1621.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1621, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Farivar

SUBSTITUTE HOUSE BILL NO. 1621, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1731, by Representatives Waters, Stonier, Klicker, Low, Couture, Chambers, Ybarra, Barnard, Schmidt, McClintock, Santos and Hutchins**

**Concerning complimentary liquor by short-term rental operators.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1731 was substituted for House Bill No. 1731 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1731 was read the second time.

Representative Waters moved the adoption of amendment (217):

On page 6, line 20, after "provide" strike "a" and insert "one"

On page 6, line 24, after "application." insert "One complimentary bottle of wine per booking may be provided, regardless of the total number of rental guests. The provision of the complimentary bottle of wine may occur only after an operator or staff person of the short-term rental, who is present at the short-term rental property, verifies that each rental guest who will consume the complimentary bottle of wine is age 21 or over by checking a valid form of identification of each such rental guest at the time rental guests arrive. The rental guests must be informed the rental guests are being offered one complimentary bottle of wine and that opening or consuming the bottle of wine in a public place is illegal pursuant to RCW 66.44.100. The rental guests must not have notified the operator that the rental guests decline the complimentary bottle of wine."

Representatives Waters and Wylie spoke in favor of the adoption of the amendment.

Amendment (217) 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 Waters and Wylie spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1731.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1731, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Callan, Davis, Jacobsen, Leavitt, Ormsby, Ramos and Ryu

Excused: Representative Farivar

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1731, having received the necessary constitutional majority, was declared passed.

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

**MOTIONS**

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

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

HOUSE BILL NO. 1028  
 HOUSE BILL NO. 1105  
 HOUSE BILL NO. 1150  
 HOUSE BILL NO. 1163  
 HOUSE BILL NO. 1203  
 HOUSE BILL NO. 1255  
 HOUSE BILL NO. 1268  
 HOUSE BILL NO. 1305  
 HOUSE BILL NO. 1445  
 HOUSE BILL NO. 1466  
 HOUSE BILL NO. 1488  
 HOUSE BILL NO. 1533  
 HOUSE BILL NO. 1579  
 HOUSE BILL NO. 1589  
 HOUSE BILL NO. 1622  
 HOUSE BILL NO. 1652  
 HOUSE BILL NO. 1705  
 HOUSE BILL NO. 1717  
 HOUSE BILL NO. 1728  
 HOUSE BILL NO. 1744  
 HOUSE BILL NO. 1746

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

HOUSE BILL NO. 1205

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

**MESSAGE FROM THE SENATE**

Friday, March 3, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5025  
 SECOND SUBSTITUTE SENATE BILL NO. 5046  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5124  
 SECOND SUBSTITUTE SENATE BILL NO. 5128  
 SENATE BILL NO. 5131  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5174  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5197  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5198  
 SECOND SUBSTITUTE SENATE BILL NO. 5225  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5243  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5311  
 SUBSTITUTE SENATE BILL NO. 5386  
 SUBSTITUTE SENATE BILL NO. 5398  
 SENATE BILL NO. 5403  
 SECOND SUBSTITUTE SENATE BILL NO. 5477  
 SENATE BILL NO. 5497  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5512  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5515  
 SECOND SUBSTITUTE SENATE BILL NO. 5593  
 SUBSTITUTE SENATE BILL NO. 5626  
 SENATE BILL NO. 5632

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

There being no objection, the House adjourned until 9:30 a.m., Saturday, March 4, 2023, the 55th Day of the 2023 Regular Session.

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY FIFTH DAY

House Chamber, Olympia, Saturday, March 4, 2023

The House was called to order at 9:30 a.m. by the Speaker (Representative Orwall 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, Amber Tran and Kaiden Cook. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Ryu, 32nd Legislative District.

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 fourth order of business.

**INTRODUCTION & FIRST READING**

E2SSB 5001 by Senate Committee on Transportation (originally sponsored by Hawkins, Hunt, Nguyen and Wilson, J.)

AN ACT Relating to public facilities districts created by at least two city or county legislative authorities; and amending RCW 35.57.010, 35.57.020, and 82.14.048.

Referred to Committee on Local Government.

SSB 5078 by Senate Committee on Ways & Means (originally sponsored by Pedersen, Dhingra, Frame, Hasegawa, Hunt, Keiser, Kuderer, Liias, Nguyen, Nobles, Rolfes, Saldaña, Stanford, Trudeau, Valdez and Wellman)

AN ACT Relating to protecting public safety by establishing duties of firearm industry members engaged in the sale, manufacturing, distribution, importing, or marketing of firearms, ammunition, component parts, or accessories, to adopt and implement reasonable controls to prevent the diversion of firearms and related products to straw purchasers, firearm traffickers, unauthorized individuals, and individuals who pose a risk to themselves or others, to prohibit such firearm industry members from creating or maintaining a public nuisance, and providing for investigation and enforcement by the attorney general; adding a new section to chapter 7.48 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Civil Rights & Judiciary.

SSB 5096 by Senate Committee on Business, Financial Services, Gaming & Trade (originally sponsored by Padden, Pedersen, Hasegawa and Schoesler)

AN ACT Relating to expanding employee ownership; adding new sections to chapter 43.330 RCW; adding a new section to chapter 82.04 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

SSB 5165 by Senate Committee on Environment, Energy & Technology (originally sponsored by Nguyen, Mullet, Boehnke, Frame, Hasegawa, Keiser, Nobles and Stanford)

AN ACT Relating to electric power system transmission planning; amending RCW 19.280.030, 80.50.060, and 80.50.045; adding a new section to chapter 19.280 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

SSB 5238 by Senate Committee on Ways & Means (originally sponsored by Saldaña, Randall, Conway, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Nguyen, Nobles, Shewmake, Stanford, Valdez and Wilson, C.)

AN ACT Relating to collective bargaining for employees who are enrolled in academic programs at public institutions of higher education; adding a new section to chapter 41.56 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

E2SSB 5278 by Senate Committee on Ways & Means (originally sponsored by Wilson, L., Fortunato, Lovick, Muzzall, Robinson, Shewmake, Torres, Warnick and Wilson, C.)

AN ACT Relating to implementing audit recommendations to reduce barriers to home care aide certification; amending RCW 18.88B.031; creating new sections; and providing an expiration date.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5303 by Senate Committee on Ways & Means (originally sponsored by Mullet, Warnick, Boehnke, Holy, Keiser, Kuderer and Lovick)

AN ACT Relating to the public works revolving trust account; amending RCW 43.84.092, 43.155.020, 43.155.060, and 43.155.070; adding a new section to chapter 43.155 RCW; and providing a contingent effective date.

Referred to Committee on Appropriations.

SB 5324 by Senators Conway, Nobles, Lovick, Fortunato, Hunt, Wagoner, Randall and Wilson, C.

AN ACT Relating to the defense community compatibility account; and amending RCW 43.330.515 and 43.330.520.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

SSB 5353 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Wagoner, Van De Wege, Dozier, Salomon, Short, Warnick and Wilson, J.)

AN ACT Relating to the voluntary stewardship program; and amending RCW 36.70A.710 and 36.70A.740.

Referred to Committee on Local Government.

SB 5369 by Senators Billig, Padden, Short, Shewmake, Schoesler, Lovelett, Conway, Boehnke, Salomon, Nguyen, Van De Wege, Wagoner, Dhingra, Dozier, Hasegawa, Hunt, Keiser, Randall, Torres and Valdez

AN ACT Relating to reassessing standards for polychlorinated biphenyls in consumer products; adding new sections to chapter 70A.350 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

SSB 5399 by Senate Committee on Business, Financial Services, Gaming & Trade (originally sponsored by Mullet and Dozier)

AN ACT Relating to future listing right purchase contracts; adding a new chapter to Title 6I RCW; and declaring an emergency.

Referred to Committee on Consumer Protection & Business.

SSB 5424 by Senate Committee on Labor & Commerce (originally sponsored by Lovick, Holy, Dhingra, Frame, Keiser, Kuderer, Shewmake, Stanford, Valdez, Warnick and Wellman)

AN ACT Relating to flexible work for general and limited authority Washington peace officers; amending RCW 41.26.030; reenacting and amending RCW 10.93.020; and adding a new section to chapter 49.28 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

SSB 5436 by Senate Committee on Law & Justice (originally sponsored by Wilson, J., Dozier and Fortunato)

AN ACT Relating to transfers of firearms to museums and historical societies; and amending RCW 9.41.113.

Referred to Committee on Civil Rights & Judiciary.

SSB 5439 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick, Dozier, Hasegawa, Lovelett, Salomon, Schoesler and Van De Wege)

AN ACT Relating to livestock identification; amending RCW 16.57.015, 16.57.015, 16.57.220, 16.57.460, 16.58.130, and 16.65.090; amending 2022 c 158 s 1 (uncodified); providing an effective date; and providing expiration dates.

Referred to Committee on Agriculture and Natural Resources.

2SSB 5502 by Senate Committee on Ways & Means (originally sponsored by Gildon, Boehnke, Torres, Wilson, J. and Wilson, L.)

AN ACT Relating to ensuring necessary access to substance use disorder treatment for individuals entering the graduated reentry program at the department of corrections; and amending RCW 9.94A.733.

Referred to Committee on Community Safety, Justice, & Reentry.

2SSB 5518 by Senate Committee on Ways & Means (originally sponsored by Boehnke, Stanford, MacEwen, Muzzall, Fortunato, Frame, Kuderer, Valdez, Warnick and Wellman)

AN ACT Relating to cybersecurity; amending RCW 43.21F.045; reenacting and amending RCW 43.105.020 and 38.52.040; adding a new section to chapter 43.105 RCW; and adding a new section to chapter 42.56 RCW.

Referred to Committee on State Government & Tribal Relations.

SSB 5569 by Senate Committee on Health & Long Term Care (originally sponsored by Rivers and Dozier)

AN ACT Relating to creating exemptions from certificate of need requirements for kidney disease centers due to temporary emergency situations; and adding a new section to chapter 70.38 RCW.

Referred to Committee on Health Care & Wellness.

ESSB 5599 by Senate Committee on Human Services (originally sponsored by Liias, Wilson, C., Dhingra, Lovelett, Nguyen and Randall)

AN ACT Relating to supporting youth and young adults seeking protected health care services; amending RCW 13.32A.082 and 74.15.020; and creating a new section.

Referred to Committee on Human Services, Youth, & Early Learning.

SSB 5687 by Senate Committee on Ways & Means (originally sponsored by Van De Wege)

AN ACT Relating to creating and supporting postsecondary wrestling grant programs; adding a new section to chapter 28B.77 RCW; and creating a new section.

Referred to Committee on Postsecondary Education & Workforce.

SB 5711 by Senators Nobles, Liias, Frame, Hasegawa, Hunt, Lovelett, Nguyen, Pedersen, Saldaña, Shewmake, Valdez and Wilson, C.

AN ACT Relating to extending the terms of eligibility for the Washington college grant program; amending RCW 28B.92.200; creating a new section; and declaring an emergency.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5753 by Senate Committee on Transportation (originally sponsored by Shewmake and Lovelett)

AN ACT Relating to a cooperative agreement between the department of transportation and the Lummi Nation concerning construction of a roadway; and adding new sections to chapter 47.20 RCW.

Referred to Committee on Transportation.

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 sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1216, by Representatives Fitzgibbon, Doglio, Berry, Reed, Simmons, Macri, Fosse and Pollet**

**Concerning clean energy siting.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1216 was substituted for House Bill No. 1216 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1216 was read the second time.

With the consent of the House, amendment (087) was withdrawn.

Representative Fitzgibbon moved the adoption of the striking amendment (178):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. STATEMENT OF LEGISLATIVE INTENT.** (1) The legislature finds that efficient and effective siting and permitting of new clean energy projects throughout Washington is necessary to: Fight climate change and achieve the state's greenhouse gas emission limits; improve air quality; grow family-wage clean energy jobs and innovative clean energy businesses that provide economic benefits across the state; and make available secure domestic sources of the clean energy products needed to transition off fossil fuels.

(2) The legislature intends to: Enable more efficient and effective siting and permitting of clean energy projects with policies and investments that protect the environment, overburdened communities, and tribal rights, interests, and resources, including cultural resources; bring benefits to the communities that host clean energy projects; and facilitate the rapid transition to clean energy that is required to avoid the worst impacts of climate change on Washington's people and places. There is no single solution for improved siting and permitting processes. Rather, a variety of efforts and investments will help bring together state, local, tribal, and federal governments, communities, workers, clean energy project developers, and others to succeed in this essential task.

(3) Efficient and effective siting and permitting will benefit from early and meaningful community and tribal engagement, and from up-front planning including identification of areas of higher and lower levels of impact, and nonproject environmental review that identifies measures to avoid, minimize, and mitigate project impacts.

(4) Incorporating the principles and strategies identified in subsections (1), (2), and (3) of this section, the legislature intends to invest in, facilitate, and require better coordinated, faster environmental review and permitting decisions by state and local governments.

(5) Therefore, it is the intent of the legislature to support efficient, effective siting and permitting of clean energy projects through a variety of interventions, including:

(a) Establishing an interagency clean energy siting coordinating council to improve siting and permitting of clean energy projects;

(b) Creating a designation for clean energy projects of statewide significance;

(c) Creating a fully coordinated permit process for clean energy projects;

(d) Improving processes for review of clean energy projects under the state environmental policy act;

(e) Requiring preparation of separate nonproject environmental impact statements for green electrolytic and renewable hydrogen projects and colocated battery

energy storage facilities, onshore utility-scale wind energy projects and colocated battery energy storage facilities, and for solar energy projects and colocated battery energy storage facilities, with the goal of preparing these nonproject reviews by June 30, 2025; and

(f) Requiring the Washington State University energy program to complete by June 30, 2025, a siting information process for pumped storage projects in Washington.

**PART 1  
INTERAGENCY CLEAN ENERGY SITING COORDINATING COUNCIL**

**NEW SECTION. Sec. 101. INTERAGENCY CLEAN ENERGY SITING COORDINATING COUNCIL.**

(1) The interagency clean energy siting coordinating council is created. The coordinating council is cochaired by the department of commerce and the department of ecology with participation from the following:

(a) The office of the governor;  
(b) The energy facility site evaluation council;  
(c) The department of fish and wildlife;  
(d) The department of agriculture;  
(e) The governor's office of Indian affairs;

(f) The department of archaeology and historic preservation;

(g) The department of natural resources;

(h) The department of transportation;

(i) The utilities and transportation commission;

(j) The governor's office for regulatory innovation and assistance; and

(k) Other state and federal agencies invited by the department of commerce and the department of ecology with key roles in siting clean energy to participate on an ongoing or ad hoc basis.

(2) The department of commerce and department of ecology shall assign staff in each agency to lead the coordinating council's work and provide ongoing updates to the governor and appropriate committees of the legislature, including those with jurisdiction over the environment, energy, or economic development policy.

(3) For purposes of this section and section 102 of this act, "coordinating council" means the interagency clean energy siting coordinating council created in this section.

**NEW SECTION. Sec. 102. INTERAGENCY CLEAN ENERGY SITING COORDINATING COUNCIL DUTIES.**

(1) The responsibilities of the coordinating council include, but are not limited to:

(a) Identifying actions to improve siting and permitting of clean energy projects as defined in section 201 of this act, including through review of the recommendations of the department of ecology and department of commerce's 2022 *Low Carbon Energy Facility Siting Improvement Report*, creating implementation plans and timelines, and making recommendations for needed funding or policy changes;

(b) Tracking federal government efforts to improve clean energy project siting and permitting, including potential federal funding sources, and identifying state agency actions to improve coordination across state, local, and federal processes or to pursue supportive funding;

(c) Conducting outreach to parties with interests in clean energy siting and permitting for ongoing input on how to improve state agency processes and actions;

(d) Establishing work groups as needed to focus on specific energy types such as solar, wind, battery storage, or emerging technologies, or specific geographies for clean energy project siting;

(e) The creation of advisory committees deemed necessary to inform the development of items identified in (a) through (d) of this subsection;

(f) Supporting the governor's office of Indian affairs in creating and updating annually, or when requested by a federally recognized Indian tribe, a list of contacts at federally recognized Indian tribes, applicable tribal laws on consultation from federally recognized Indian tribes, and tribal preferences regarding outreach about clean energy project siting and permitting, such as outreach by developers directly, by state government in the government-to-government relationship, or both;

(g) Supporting the department of archaeology and historic preservation, the governor's office of Indian affairs, the department of commerce, and the energy facility site evaluation council in developing and providing to clean energy project developers a training on consultation and engagement processes for federally recognized Indian tribes. The governor's office of Indian affairs must collaborate with federally recognized Indian tribes in the development of the training;

(h) Supporting the department of archaeology and historic preservation in updating the statewide predictive archaeological model to provide clean energy project developers information about where archaeological resources are likely to be found and the potential need for archaeological investigations; and

(i) Supporting and promptly providing information to the department of ecology in support of the nonproject reviews required under section 303 of this act.

(2) The coordinating council shall provide an annual report beginning October 1, 2024, to the governor and the appropriate committees of the legislature summarizing: Progress on efficient, effective, and responsible siting and permitting of clean energy projects; areas of additional work, including where clean energy project siting and permitting outcomes are not broadly recognized as efficient, effective, or responsible; resource needs; and any needed policy changes to help achieve the deployment of clean energy necessary to meet the state's statutory greenhouse gas emissions limits, chapter 70A.45 RCW, and the clean energy transformation act requirements, chapter 19.405 RCW, and to support achieving the state energy strategy adopted by the department of commerce.

(3) The coordinating council shall:

(a) Advise the department of commerce in:  
(i) Contracting with an external, independent third party to:

(A) Carry out an evaluation of state agency siting and permitting processes for clean energy projects and related federal and state regulatory requirements, including the energy facility site evaluation council permitting process authorized in chapter 80.50 RCW;

(B) Identify successful models used in other states for the siting and permitting of projects similar to clean energy projects, including local and state government programs to prepare build ready clean energy sites; and

(C) Develop recommendations for improving these processes, including potential policy changes and funding, with the goal of more efficient, effective siting of clean energy projects; and

(ii) Reporting on the evaluation and recommendations in (a)(i) of this subsection to the governor and the legislature by July 1, 2024;

(b) Pursue development of a consolidated clean energy application similar to the joint aquatic resources permit application for, at a minimum, state permits needed for clean energy projects. The department of ecology shall lead this effort and engage with federal agencies and local governments to explore inclusion of federal and local permit applications as part of the consolidated application. The department may design a single consolidated application for multiple clean energy project types, may design separate applications for individual clean energy technologies, or may design an application for related resources. The department of ecology shall provide an update on its development of consolidated permit applications for clean energy projects to the governor and legislature by December 31, 2024. The consolidated permit application process must be available, but not required, for clean energy projects;

(c) Explore development of a consolidated permit for clean energy projects. The department of ecology shall lead this effort and, in consultation with federally recognized Indian tribes, explore options including a clean energy project permit that consolidates department of ecology permits only, or that consolidates permits from multiple state and local agencies. The permit structure must identify criteria or conditions that must be met for projects to use the consolidated permit. The department of ecology may analyze criteria or conditions as part of a nonproject review under chapter 43.21C RCW. The department of ecology shall update the legislature on its evaluation of consolidated permit options and make recommendations by October 1, 2024; and

(d) Determine priorities for categories of clean energy projects to be the focus of new nonproject environmental impact statements under chapter 43.21C RCW for the legislature to fund subsequent to the nonproject environmental impact statements specified in section 302 of this act.

## PART 2

**CLEAN ENERGY PROJECTS OF STATEWIDE  
SIGNIFICANCE AND CLEAN ENERGY COORDINATED  
PERMITTING PROCESS**

NEW SECTION. **Sec. 201.** DEFINITIONS.

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

(1) "Alternative energy resource" has the same meaning as defined in RCW 80.50.020.

(2) "Alternative jet fuel" means a fuel that can be blended and used with conventional petroleum jet fuels without the need to modify aircraft engines and existing fuel distribution infrastructure and that meets the greenhouse gas emissions reduction requirements that apply to biomass-derived fuels as defined in RCW 70A.65.010. "Alternative jet fuel" includes jet fuels derived from coprocessed feedstocks at a conventional petroleum refinery.

(3) "Applicant" means a person applying to the department of commerce for designation of a development project as a clean energy project of statewide significance under this chapter.

(4)(a) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting a clean energy project with the existing energy supply, processing, or distribution system including, but not limited to, battery energy storage communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary storage and transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages of at least 115,000 volts to connect a clean energy project to the northwest power grid.

(b) Common carrier railroads or motor vehicles are not associated facilities.

(5) "Clean energy product manufacturing facility" means a facility or a project at any facility that exclusively or primarily manufactures the following products or components primarily used by such products:

(a) Vehicles, vessels, and other modes of transportation that emit no exhaust gas from the onboard source of power, other than water vapor;

(b) Charging and fueling infrastructure for electric, hydrogen, or other types of vehicles that emit no exhaust gas from the onboard source of power, other than water vapor;

(c) Renewable or green electrolytic hydrogen, including preparing renewable or green electrolytic hydrogen for distribution as an energy carrier or manufacturing feedstock, or converting it to a green hydrogen carrier;

(d) Equipment and products used to produce energy from alternative energy resources;

(e) Equipment and products used to produce nonemitting electric generation as defined in RCW 19.405.020;

(f) Equipment and products used at storage facilities;

(g) Equipment and products used to improve energy efficiency;

(h) Semiconductors or semiconductor materials as defined in RCW 82.04.2404; and

(i) Projects or facility upgrades undertaken by emissions-intensive trade-exposed industries as classified in RCW 70A.65.110 for which the facility can demonstrate expected reductions in overall facility greenhouse gas emissions faster than the rate of decline of free allowances allocated to emission-intensive trade-exposed industries under chapter 70A.65 RCW and assist in meeting the entity's compliance obligations under chapter 70A.65 RCW.

(6) "Clean energy project" means the following facilities together with their associated facilities:

(a) Clean energy product manufacturing facilities;

(b) Electrical transmission facilities;

(c) Facilities to produce nonemitting electric generation or electric generation from renewable resources, as defined in RCW 19.405.020, except for:

(i) Hydroelectric generation that includes new diversions, new impoundments, new bypass reaches, or the expansion of existing reservoirs constructed after May 7, 2019, unless the diversions, bypass reaches, or reservoir expansions are necessary for the operation of a pumped storage facility that: (A) Does not conflict with existing state or federal fish recovery plans; and (B) complies with all local, state, and federal laws and regulations; and

(ii) Hydroelectric generation associated with facilities or persons that have been the subject of an enforcement action, penalty order, or settled any enforcement action or penalty order with any agreement to pay a penalty or pay for or conduct mitigation under chapter 90.48 RCW during the preceding 15 years that resulted in the payment of a penalty of at least \$100,000 or conducting mitigation with a value of at least \$100,000;

(d) Storage facilities;

(e) Facilities or projects at any facilities that exclusively or primarily process biogenic feedstocks into biofuel as defined in RCW 80.50.020;

(f) Biomass energy facilities as defined in RCW 19.405.020; or

(g) Facilities or projects at any facilities that exclusively or primarily process alternative jet fuel.

(7) "Electrical transmission facilities" has the same meaning as defined in RCW 80.50.020, except excluding electrical transmission facilities that primarily or solely serve facilities that generate electricity from fossil fuels.

(8) "Fully coordinated permit process" means a comprehensive coordinated permitting assistance approach supported by a written agreement between the project proponent, the department of ecology, and the participating agencies.

(9) "Fully coordinated project" means a clean energy project subject to the fully coordinated permit process.

(10) "Green electrolytic hydrogen" has the same meaning as defined in RCW 80.50.020.

(11) "Green hydrogen carrier" has the same meaning as defined in RCW 80.50.020.

(12) "Overburdened community" has the same meaning as defined in RCW 70A.02.010.

(13) "Permit" means any permit, license, certificate, use authorization, or other form of governmental review or approval required in order to construct, expand, or operate a project in the state of Washington.

(14) "Permit agency" means any state or local agency authorized by law to issue permits.

(15) "Project proponent" means a person, business, or any entity applying for or seeking a permit or permits in the state of Washington.

(16) "Reasonable costs" means direct and indirect expenses incurred by the department of ecology, participating agencies, or local governments in carrying out the coordinated permit process established in this chapter, including the initial assessment, environmental review, and permitting. "Reasonable costs" includes work done by agency or local government staff or consultants hired by agencies or local governments to carry out the work plan. "Reasonable costs" may also include other costs agreed to between the applicant and the department of ecology, participating agencies, or local governments.

(17) "Renewable hydrogen" has the same meaning as defined in RCW 80.50.020.

(18) "Renewable natural gas" has the same meaning as defined in RCW 80.50.020.

(19) "Renewable resource" has the same meaning as defined in RCW 80.50.020.

(20) "Storage facility" has the same meaning as defined in RCW 80.50.020.

**NEW SECTION. Sec. 202. CLEAN ENERGY PROJECTS OF STATEWIDE SIGNIFICANCE—APPLICATION PROCESS.** (1) The department of commerce shall develop an application for the designation of clean energy projects as clean energy projects of statewide significance.

(2) An application to the department of commerce by an applicant under this section must include:

(a) Information regarding the location of the project;

(b) Information sufficient to demonstrate that the project qualifies as a clean energy project;

(c) An explanation of how the project is expected to contribute to the state's achievement of the greenhouse gas emission limits in chapter 70A.45 RCW and is consistent with the state energy strategy adopted by the department of commerce, as well as any contribution that the project is expected to make to other state regulatory requirements for clean energy and greenhouse gas emissions, including the requirements of chapter 19.405, 70A.30, 70A.60, 70A.65, 70A.535, or 70A.540 RCW;

(d) An explanation of how the project is expected to contribute to the state's economic development goals, including information regarding the applicant's

average employment in the state for the prior year, estimated new employment related to the project, estimated wages of employees related to the project, and estimated time schedules for completion and operation;

(e) A plan for meaningful engagement and information sharing with potentially affected federally recognized Indian tribes;

(f) A description of potential community benefits and impacts from the project, a plan for meaningful community engagement in the project development, and an explanation of how the applicant might use a community benefit agreement or other legal document that stipulates the benefits that the developer agrees to fund or furnish, in exchange for community support of a project; and

(g) Other information required by the department of commerce.

**NEW SECTION. Sec. 203. CLEAN ENERGY PROJECTS OF STATEWIDE SIGNIFICANCE—DEPARTMENT OF COMMERCE DECISION.** (1) (a) The department of commerce, in consultation with natural resources agencies and other state agencies identified as likely to have a role in siting or permitting a project, must review applications received under section 202 of this act.

(b) The director of the department of commerce must determine within 60 days whether to designate an applicant's project as a clean energy project of statewide significance. The department of commerce may pause its review of an application and the applicability of the 60-day determination time frame under this subsection to request additional information from an applicant.

(2) The department of commerce may designate a clean energy project of statewide significance taking into consideration:

(a) Whether the project qualifies as a clean energy project;

(b) Whether the project will: Contribute to achieving state emission reduction limits under chapter 70A.45 RCW; be consistent with the state energy strategy adopted by the department of commerce; contribute to achieving other state requirements for clean energy and greenhouse gas emissions reductions; and support the state's economic development goals;

(c) Whether the level of applicant need for coordinated state assistance, including for siting and permitting and the complexity of the project, warrants the designation of a project;

(d) Whether the project is proposed for an area or for a clean energy technology that has been reviewed through a nonproject environmental review process, or least-conflict siting process including, but not limited to, the processes identified in sections 303 and 306 of this act, and whether the project is consistent with the recommendations of such processes;

(e) Whether the project is anticipated to have potential near-term or long-term significant positive or adverse impacts on environmental and public health, including impacts to:

(i) State or federal endangered species act listed species in Washington;



(ii) Overburdened communities; and  
 (iii) Rights, interests, and resources, including tribal cultural resources, of potentially affected federally recognized Indian tribes; and

(f) Input received from potentially affected federally recognized Indian tribes, which the department must solicit and acknowledge the receipt of.

(3) In determining whether to approve an application, the department of commerce must consider information contained in an application under section 202 of this act demonstrating an applicant's meaningful tribal outreach and engagement, engagement with the department of archaeology and historic preservation, and engagement with the governor's office of Indian affairs.

(4)(a) The department of commerce may designate an unlimited number of projects of statewide significance that meet the criteria of this section.

(b) An applicant whose application to the department of commerce under this chapter is not successful is eligible to reapply.

**NEW SECTION. Sec. 204.** CLEAN ENERGY COORDINATED PERMITTING PROCESS—DEPARTMENT OF ECOLOGY DUTIES. An optional, fully coordinated permit process is established for clean energy projects that do not apply to the energy facility site evaluation council under chapter 80.50 RCW. In support of the coordinated permitting process for clean energy projects, the department of ecology must:

(1) Act as the central point of contact for the project proponent for the coordinated permitting process for projects that do not apply to the energy facility site evaluation council under chapter 80.50 RCW and communicate with the project proponent about defined issues;

(2) Conduct an initial assessment of the proposed project review and permitting actions for coordination purposes as provided in section 205 of this act;

(3) Ensure that the project proponent has been informed of all the information needed to apply for the state and local permits that are included in the coordinated permitting process;

(4) Facilitate communication between project proponents and agency staff to promote timely permit decisions and promote adherence to agreed schedules;

(5) Verify completion among participating agencies of administrative review and permit procedures, such as providing public notice;

(6) Assist in resolving any conflict or inconsistency among permit requirements and conditions;

(7) Consult with potentially affected federally recognized Indian tribes as provided in section 209 of this act in support of the coordinated permitting process;

(8) Engage with potentially affected overburdened communities as provided in section 209 of this act;

(9) Manage a fully coordinated permitting process; and

(10) Coordinate with local jurisdictions to assist with fulfilling the requirements

of chapter 36.70B RCW and other local permitting processes.

**NEW SECTION. Sec. 205.** CLEAN ENERGY COORDINATED PERMITTING PROCESS INITIAL ASSESSMENT. (1) Upon the request of a proponent of a clean energy project, the department of ecology must conduct an initial assessment to determine the level of coordination needed, taking into consideration the complexity of the project and the experience of those expected to be involved in the project application and review process.

(2) The initial project assessment must consider the complexity, size, and need for assistance of the project and must address as appropriate:

(a) The expected type of environmental review;

(b) The state and local permits or approvals that are anticipated to be required for the project;

(c) The permit application forms and other application requirements of the participating permit agencies;

(d) The anticipated information needs and issues of concern of each participating agency; and

(e) The anticipated time required for the environmental review process under chapter 43.21C RCW and permit decisions by each participating agency, including the estimated time required to determine if the permit applications are complete, to conduct the environmental review under chapter 43.21C RCW, and conduct permitting processes for each participating agency. In determining the estimated time required, full consideration must be given to achieving the greatest possible efficiencies through any concurrent studies and any consolidated applications, hearings, and comment periods.

(3) The outcome of the initial assessment must be documented in writing, furnished to the project proponent, and be made available to the public.

(4) The initial assessment must be completed within 60 days of the clean energy project proponent's request to the department under this section, unless information on the project is not complete.

**NEW SECTION. Sec. 206.** CLEAN ENERGY COORDINATED PERMITTING PROCESS REQUIREMENTS AND PROCEDURES. (1) A project proponent may submit a written request to the department of ecology pursuant to section 208 of this act and a local government development agreement to support local government actions pursuant to section 207 of this act for participation in a fully coordinated permitting process. To be eligible to participate in the fully coordinated permit process:

(a) The project proponent must:

(i) Enter into a cost-reimbursement agreement pursuant to section 208 of this act;

(ii) Provide sufficient information on the project and project site to identify probable significant adverse environmental impacts;

(iii) Provide information on any voluntary mitigation measures; and

(iv) Provide information on engagement actions taken by the proponent with federally recognized Indian tribes, local government, and overburdened communities; and

(b) The department of ecology must determine that the project raises complex coordination, permit processing, or substantive permit review issues.

(2) A project proponent who requests designation as a fully coordinated project must provide the department of ecology with a complete description of the project. The department of ecology may request any information from the project proponent that is necessary to make the designation under this section and may convene a meeting of the likely participating permit agencies.

(3) For a fully coordinated permitting process, the department of ecology must serve as the main point of contact for the project proponent and participating agencies with regard to coordinating the permitting process for the project as a whole. Each participating permit agency must designate a single point of contact for coordinating with the department of ecology. The department of ecology must keep a schedule identifying required procedural steps in the permitting process and highlighting substantive issues as appropriate that must be resolved in order for the project to move forward. In carrying out these responsibilities, the department of ecology must:

(a) Conduct the duties for the coordinated permitting process as described in section 205 of this act;

(b)(i) Reach out to tribal or federal jurisdictions responsible for issuing a permit for the project and invite them to participate in the coordinated permitting process or to receive periodic updates of the project;

(ii) Reach out to local jurisdictions responsible for issuing a permit for the project and inform them of their obligations under section 207 of this act.

(4) Within 30 days, or longer with agreement of the project proponent, of the date that the department of ecology determines a project is eligible for the fully coordinated permitting process, the department of ecology shall convene a work plan meeting with the project proponent, local government, and the participating permit agencies to develop a coordinated permitting process schedule. The work plan meeting agenda may include any of the following:

(a) Review of the permits that are anticipated for the project;

(b) A review of the permit application forms and other application requirements of the agencies that are participating in the coordinated permitting process;

(c) An estimation of the timelines that will be used by each participating permit agency to make permit decisions, including the estimated time periods required to determine if the permit applications are complete and to review or respond to each application or submittal of new information. In the development of this timeline, full

attention must be given to achieving the maximum efficiencies possible through concurrent studies and consolidated applications, hearings, and comment periods; or

(d) An estimation of reasonable costs for the department of ecology, participating agencies, and the county, city, or town in which the project is proposed for environmental review and permitting, based on known information about the project.

(5) Each participating agency and the lead agency under chapter 43.21C RCW must send at least one representative qualified to discuss the applicability and timelines associated with all permits administered by that agency or jurisdiction to the work plan meeting. The department of ecology must notify any relevant federal agency or potentially affected federally recognized Indian tribe of the date of the meeting and invite them to participate in the process.

(6) Any accelerated time period for the consideration of a permit application or for the completion of the environmental review process under chapter 43.21C RCW must be consistent with any statute, rule, or regulation, or adopted state policy, standard, or guideline that requires the participation of other agencies, federally recognized Indian tribes, or interested persons in the application process.

(7) Upon the completion of the work plan meeting under subsection (4) of this section, the department of ecology must finalize the coordinated permitting process schedule, share it in writing with the project proponent, participating state agencies, lead agencies under chapter 43.21C RCW, and cities and counties subject to an agreement specified in section 207 of this act, and make the schedule available to the public.

(8) As part of the coordinated permit process, the developer may prepare a community benefit agreement or other similar document to identify how to mitigate potential community impacts or impacts to tribal rights and resources, including cultural resources. The agreement should include benefits in addition to jobs or tax revenues resulting from the project. Approval of any benefit agreement or other legal document stipulating the benefits that the developer agrees to fund or furnish, in exchange for community or tribal government support of the project, must be made by the local government legislative authority of the county, city, or town in which the project is proposed or by the relevant federally recognized Indian tribal government.

(9) If a lead agency under chapter 43.21C RCW, a permit agency, or the project proponent foresees, at any time, that it will be unable to meet the estimated timelines or other obligations under the schedule agreement, it must notify the department of ecology of the reasons for the delay and offer potential solutions or an amended timeline. The department of ecology must notify the participating agencies and the project proponent and, upon agreement of all parties, adjust the schedule or, if necessary, schedule another work plan meeting.

(10) The project proponent may withdraw from the coordinated permitting process by submitting to the department of ecology a written request that the process be terminated. Upon receipt of the request, the department of ecology must notify each participating agency that a coordinated permitting process is no longer applicable to the project.

**NEW SECTION. Sec. 207. CLEAN ENERGY COORDINATED PERMITTING PROCESS—LOCAL JURISDICTION AGREEMENTS.** (1)(a) Counties and cities with clean energy projects that are determined to be eligible for the fully coordinated permit process shall enter into an agreement with the department of ecology or with the project proponents of clean energy projects for expediting the completion of projects.

(b) For the purposes of this section, "expedite" means that a county or city will develop and implement a method to accelerate the process for permitting and environmental review. Expediting should not disrupt or otherwise delay the permitting and environmental review of other projects or require the county or city to incur additional costs that are not compensated.

(2) Agreements required by this section must include requirements that the county or city coordinate with the department of ecology and conduct environmental review and permitting to align with the work plan described in section 206(4) of this act and:

(a) Expedite permit processing for the design and construction of the project;

(b) Expedite environmental review processing;

(c) Expedite processing of requests for street, right-of-way, or easement vacations necessary for the construction of the project;

(d) Develop and follow a plan for consultation with potentially affected federally recognized Indian tribes; and

(e) Carry out such other actions identified by the department of ecology as needed for the fully coordinated permitting process.

**NEW SECTION. Sec. 208. CLEAN ENERGY COORDINATED PERMITTING PROCESS—COST-REIMBURSEMENT AGREEMENTS.** (1) For a fully coordinated permitting process, a project proponent must enter into a cost-reimbursement agreement with the department of ecology in accordance with RCW 43.21A.690. The cost-reimbursement agreement is to recover reasonable costs incurred by the department of ecology and participating agencies in carrying out the coordinated permitting process.

(2) The cost-reimbursement agreement may include deliverables and schedules for invoicing and reimbursement.

(3) For a fully coordinated permitting process, a project proponent must enter into a development agreement with the county, city, or town in which the project is proposed, in accordance with the authorization and requirements in RCW 36.70B.170 through 36.70B.210. The development agreement must detail the

obligations of the local jurisdiction and the project applicant. It must also include, but not be limited to, the process the county, city, or town will implement for meeting its obligation to expedite the application, other clarifications for project phasing, and an estimate of reasonable costs.

(4) If a project proponent foresees, at any time, that it will be unable to meet its obligations under the agreement, it must notify the department of ecology and state the reasons, along with proposals for resolution.

**NEW SECTION. Sec. 209. CLEAN ENERGY COORDINATED PERMITTING PROCESS—TRIBAL CONSULTATION AND OVERBURDENED COMMUNITY ENGAGEMENT.** (1)(a) The department of ecology must offer early, meaningful, and individual consultation with any affected federally recognized Indian tribe on designated clean energy projects participating in the coordinated permitting process for the purpose of understanding potential impacts to tribal rights, interests, and resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which an Indian tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by state law, or by a state agency. The goal of the consultation process is to support the coordinated permitting process by early identification of tribal rights, interests, and resources, including tribal cultural resources, potentially affected by the project, and identifying solutions, when possible, to avoid, minimize, or mitigate any adverse effects on tribal rights, interests, or resources, including tribal cultural resources, based on environmental or permit reviews.

(b) At the earliest possible date after the initiation of the coordinated permitting process under this chapter, the department of ecology shall engage in a preapplication process with all affected federally recognized Indian tribes.

(i) The department of ecology must notify the department of archaeology and historic preservation, the department of fish and wildlife, and all affected federally recognized Indian tribes within the project area. The notification must include geographical location, detailed scope of the proposed project, preliminary proposed project details available to federal, state, or local governmental jurisdictions, and all publicly available materials.

(ii) The department of ecology must also offer to discuss the project with the department of archaeology and historic preservation, the department of fish and wildlife, and all affected federally recognized Indian tribes within the project area. Discussions may include the project's impact to tribal rights, interests, and resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and

interests in tribal lands and lands within which a tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order.

(iii) All affected federally recognized Indian tribes may submit to the department of ecology a summary of tribal issues, questions, concerns, or other statements regarding the project, which must become part of the official files maintained by the department of ecology for the coordinated permitting process. The summary does not limit what issues affected federally recognized Indian tribes may raise in the consultation process.

(iv) The notification and offer to initiate discussion must be documented by the department of ecology and delivered to the department of archaeology and historic preservation, the department of fish and wildlife, and to the affected federally recognized Indian tribe or tribes. If the discussions pursuant to (b)(ii) of this subsection do not occur, the department of ecology must document the reason why the discussion or discussions did not occur.

(v) Nothing in this section may be interpreted to require the disclosure of information that is exempt from disclosure pursuant to RCW 42.56.300 or federal law, including section 304 of the national historic preservation act of 1966. Any information that is exempt from disclosure pursuant to RCW 42.56.300 or federal law, including section 304 of the national historic preservation act of 1966, shall not become part of publicly available coordinated permitting process files.

(2) The department of ecology must identify overburdened communities, as defined in RCW 70A.02.010, which may be potentially affected by clean energy projects participating in the coordinated permitting process. The department of ecology must verify these communities have been meaningfully engaged in the regulatory processes in a timely manner by participating agencies and their comments considered for determining potential impacts.

NEW SECTION. **Sec. 210.** MISCELLANEOUS.

(1) Nothing in this chapter:

(a) Prohibits an applicant, a project proponent, a state agency, a local government, or a federally recognized Indian tribe from entering into a nondisclosure agreement to protect confidential business information, trade secrets, financial information, or other proprietary information;

(b) Limits or affects other statutory provisions specific to any state agency related to that agency's procedures and protocols related to the identification, designation, or disclosure of information identified as confidential business information, trade secrets, financial information, or other proprietary information;

(c) Limits or affects the provisions of chapter 42.56 RCW as they apply to information or nondisclosure agreements obtained by a state agency under this chapter; or

(d) Relieves the responsible official under chapter 43.21C RCW for an action of the official's responsibilities under that chapter.

(2) The decisions by the department of commerce to designate a clean energy project of statewide significance must be made available to the public. Regardless of any exemptions otherwise set forth in RCW 42.56.270, publicly shared information must include the designee's name, a brief description of the project, the intended project location, a description of climate and economic development benefits to the state and communities therein, a tribal engagement plan, a community engagement plan, and a community benefit agreement if applicable.

(3) The department of commerce may terminate a designation of a clean energy project of statewide significance for reasons that include, but are not limited to, failure to comply with requirements of the designation or the emergence of new information that significantly alters the department of commerce's assessment of the applicant's application, project, or project proponent. The department of commerce must notify the applicant, project proponent, and the department of ecology of the termination in writing within 30 days.

(4) Nothing in this chapter affects the jurisdiction of the energy facility site evaluation council under chapter 80.50 RCW.

(5) This chapter does not limit or abridge the powers and duties granted to a participating permit agency under the law or laws that authorizes or requires the agency to issue a permit for a project. Each participating permit agency retains its authority to make all decisions on all substantive matters with regard to the respective component permit that is within its scope of its responsibility including, but not limited to, the determination of permit application completeness, permit approval or approval with conditions, or permit denial.

**PART 3  
PERMITTING AND ENVIRONMENTAL REVIEW  
PROVISIONS FOR CLEAN ENERGY PROJECTS**

NEW SECTION. **Sec. 301.** A new section is added to chapter 43.21C RCW to read as follows:

**SEPA CLEAN ENERGY FACILITIES.** (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Alternative energy resource" has the same meaning as defined in RCW 80.50.020.

(b) "Alternative jet fuel" has the same meaning as defined in section 201 of this act.

(c) "Associated facilities" has the same meaning as defined in section 201 of this act.

(d) "Clean energy product manufacturing facility" has the same meaning as defined in section 201 of this act.

(e) "Clean energy project" has the same meaning as defined in section 201 of this act.

(f) "Closely related proposals" means proposals that:

(i) Cannot or will not proceed unless the other proposals, or parts of proposals, are implemented simultaneously with them; or

(ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.

(g) "Green electrolytic hydrogen" has the same meaning as defined in RCW 80.50.020.

(h) "Green hydrogen carrier" has the same meaning as defined in RCW 80.50.020.

(i) "Renewable hydrogen" has the same meaning as defined in RCW 80.50.020.

(j) "Renewable natural gas" has the same meaning as defined in RCW 80.50.020.

(k) "Renewable resource" has the same meaning as defined in RCW 80.50.020.

(l) "Storage facility" has the same meaning as defined in RCW 80.50.020.

(2)(a) After the submission of an environmental checklist and prior to issuing a threshold determination that a clean energy project proposal is likely to cause a probable significant adverse environmental impact consistent with RCW 43.21C.033, the lead agency must notify the project applicant and explain in writing the basis for its anticipated determination of significance. Prior to issuing the threshold determination of significance, the lead agency must give the project applicant the option of withdrawing and revising its application and the associated environmental checklist. The lead agency shall make its threshold determination based upon the changed or clarified application and associated environmental checklist. The responsible official has no more than 30 days from the date of the resubmission of a clarified or changed application to make a threshold determination, unless the applicant makes material changes that substantially modify the impact of the proposal, in which case the responsible official must treat the resubmitted clarified or changed application as new, and is subject to the timelines established in RCW 43.21C.033.

(b) The notification required under (a) of this subsection is not an official determination by the lead agency and is not subject to appeal under this chapter.

(c) Nothing in this subsection amends the requirements of RCW 43.21C.033 as they apply to proposals that are not for clean energy projects and nothing in this subsection precludes the lead agency from allowing an applicant for a proposal that is not a clean energy project to follow application processes similar to or the same as the application processes identified in this subsection.

(3)(a) When an environmental impact statement is required, a lead agency shall prepare a final environmental impact statement for clean energy projects within 24 months of a threshold determination of a probable significant, adverse environmental impact.

(b) A lead agency may work with clean energy project applicants to set or extend a time limit longer than 24 months under (a) of this subsection, provided the:

(i) Applicant agrees to a longer time limit; and

(ii) Responsible official for the lead agency maintains an updated schedule available for public review.

(c) For all clean energy projects that require the preparation of an environmental impact statement, the lead agency shall work collaboratively with applicants and all agencies that will have actions requiring review under this chapter to develop a schedule that shall:

(i) Include a list of, and roles and responsibilities for, all entities that have actions requiring review under this chapter for the project;

(ii) Include a comprehensive schedule of dates by which review under this chapter will be completed, all actions requiring review under this chapter will be taken, and the public will have an opportunity to participate;

(iii) Be completed within 60 days of issuance of a determination of significance;

(iv) Be updated as needed, but no later than 30 days of missing a date on the schedule; and

(v) Be available for public review on the state environmental policy act register.

(d) A lead agency may fulfill its responsibilities under this subsection with a coordinated project plan prepared pursuant to 42 U.S.C. Sec. 4370m-2(c)(1) if it includes all dates identified under (c)(ii) of this subsection.

(e) A failure to comply with the requirements in this subsection is not subject to appeal and does not provide a basis for the invalidation of the review by an agency under this chapter. Nothing in this subsection creates any civil liability for an agency or creates a new cause of action against an agency.

(f) For clean energy projects, the provisions of this subsection are in addition to the requirements of RCW 43.21C.0311.

(4) This subsection provides clarifications on the content of review under this chapter specific to clean energy projects.

(a) In defining the proposal that is the subject of review under this chapter, a lead agency may not combine the evaluation of a clean energy project proposal with other proposals unless the:

(i) Proposals are closely related; or

(ii) Applicant agrees to combining the proposals' evaluation.

(b) An agency with authority to impose mitigation under RCW 43.21C.060 may require mitigation measures for clean energy projects only to address the environmental impacts that are attributable to and caused by a proposal.

**NEW SECTION. Sec. 302.** A new section is added to chapter 43.21C RCW to read as follows:

**NONPROJECT ENVIRONMENTAL IMPACT STATEMENTS.** (1) The department of ecology shall prepare nonproject environmental impact statements, pursuant to RCW 43.21C.030, that assess and disclose the probable significant adverse environmental

impacts, and that identify related mitigation measures, for each of the following categories of clean energy projects, and colocated battery energy storage projects that may be included in such projects:

(a) Green electrolytic or renewable hydrogen projects;

(b) Utility-scale solar energy projects, which will consider the findings of the Washington State University least-conflict solar siting process; and

(c) Onshore utility-scale wind energy projects.

(2) The scope of a nonproject environmental review shall be limited to the probable, significant adverse environmental impacts in geographic areas that are suitable for the applicable clean energy type. The department of ecology may consider standard attributes for likely development, proximity to existing transmission or complementary facilities, and planned corridors for transmission capacity construction, reconstruction, or enlargement. The nonproject review is not required to evaluate geographic areas that lack the characteristics necessary for the applicable clean energy project type.

(3) (a) The scope of nonproject environmental impact statements must consider, as appropriate, analysis of the following probable significant adverse environmental impacts, including direct, indirect, and cumulative impacts to:

(i) Historic and cultural resources;

(ii) Species designated for protection under RCW 77.12.020 or the federal endangered species act;

(iii) Landscape scale habitat connectivity and wildlife migration corridors;

(iv) Environmental justice and overburdened communities as defined in RCW 70A.02.010;

(v) Cultural resources and elements of the environment relevant to tribal rights, interests, and resources including tribal cultural resources, and fish, wildlife, and their habitat;

(vi) Land uses, including agricultural and ranching uses; and

(vii) Military installations and operations.

(b) The nonproject environmental impact statements must identify measures to avoid, minimize, and mitigate probable significant adverse environmental impacts identified during the review. These include measures to mitigate probable significant adverse environmental impacts to elements of the environment as defined in WAC 197-11-444 as it existed as of January 1, 2023, tribal rights, interests, and resources, including tribal cultural resources, as identified in RCW 70A.65.305, and overburdened communities as defined in RCW 70A.02.010. The department of ecology shall consult with federally recognized Indian tribes and other agencies with expertise in identification and mitigation of probable, significant adverse environmental impacts including, but not limited to, the department of fish and wildlife. The department of ecology shall further specify when probable, significant

adverse environmental impacts cannot be mitigated.

(4) In defining the scope of nonproject review of clean energy projects, the department of ecology shall request input from agencies, federally recognized Indian tribes, industry, stakeholders, local governments, and the public to identify the geographic areas suitable for the applicable clean energy project type, based on the climatic and geophysical attributes conducive to or required for project development. The department of ecology will provide opportunities for the engagement of tribes, overburdened communities, and stakeholders that self-identify an interest in participating in the processes.

(5) The department of ecology will offer early and meaningful consultation with any affected federally recognized Indian tribe on the nonproject review under this section for the purpose of understanding potential impacts to tribal rights and resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which an Indian tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. Certain information obtained by the department of ecology under this section is exempt from disclosure consistent with RCW 42.56.300.

(6) Final nonproject environmental review documents for the clean energy projects identified in subsection (1) of this section, where applicable, shall include maps identifying probable, significant adverse environmental impacts for the resources evaluated. Maps must be prepared with the intention to illustrate probable, significant impacts, creating a tool that may be used by project proponents, tribes, and government to inform decision making. The maps may not be used in the place of surveys on specific parcels of land or input of a potentially affected federally recognized Indian tribe regarding specific parcels.

(7) Following the completion of a nonproject review subject to this section, the interagency clean energy siting coordinating council created in section 101 of this act must consider the findings and make recommendations to the legislature and governor on potential areas to designate as clean energy preferred zones for the clean energy project technology analyzed, and any taxation, regulatory, environmental review, or other benefits that should accrue to projects in such designated preferred zones.

(8) Nothing in this section prohibits or precludes projects from being located outside areas designated as clean energy preferred zones.

**NEW SECTION. Sec. 303.** A new section is added to chapter 43.21C RCW to read as follows:

**LEAD AGENCY USE OF NONPROJECT ENVIRONMENTAL IMPACT STATEMENT.** (1) A lead agency conducting a project-level environmental review under this chapter of a clean energy project identified in section 302(1) of this act must consider a

nonproject environmental impact statement prepared pursuant to section 302 of this act in order to identify and mitigate project-level probable significant adverse environmental impacts.

(2)(a) Project-level environmental review conducted pursuant to this chapter of a clean energy project identified in section 302(1) of this act must begin with review of the applicable nonproject environmental impact statement prepared pursuant to section 302 of this act. The review must address any probable significant adverse environmental impacts associated with the proposal that were not analyzed in the nonproject environmental impact statements prepared pursuant to section 302 of this act. The review must identify any mitigation measures specific to the project for probable significant adverse environmental impacts.

(b) Lead agencies reviewing site-specific project proposals for clean energy projects under this chapter shall use the nonproject review described in this section through one of the following methods and in accordance with WAC 197-11-600, as it existed as of January 1, 2023:

(i) Use of the nonproject review unchanged, in accordance with RCW 43.21C.034, if the project does not cause any probable significant adverse environmental impact not identified in the nonproject review;

(ii) Preparation of an addendum;

(iii) Incorporation by reference; or

(iv) Preparation of a supplemental environmental impact statement.

(3) Clean energy project proposals following the recommendations developed in the nonproject environment review completed pursuant to section 302 of this act must be considered to have mitigated the probable significant adverse project-specific environmental impacts under this chapter for which recommendations were specifically developed unless the project-specific environmental review identifies project-level probable significant adverse environmental impacts not addressed in the nonproject environmental review.

**NEW SECTION. Sec. 304.** A new section is added to chapter 36.70B RCW to read as follows:

**PROHIBITION ON DEMONSTRATION OF NEED.** During project review of a project to construct or improve facilities for the generation, transmission, or distribution of electricity, a local government may not require a project applicant to demonstrate the necessity or utility of the project other than to require, as part of a completed application under RCW 36.70B.070(2), submission of any publicly available documentation required by the federal energy regulatory commission or its delegees or the utilities and transportation commission or its delegees, or from any other federal agency with regulatory authority over the assessment of electric power transmission and distribution needs as applicable.

**NEW SECTION. Sec. 305.** A new section is added to chapter 36.01 RCW to read as follows:

A county may not prohibit the installation of wind and solar resource evaluation equipment necessary for the design and environmental planning of a renewable energy project.

**NEW SECTION. Sec. 306. IDENTIFYING INFORMATION FOR PUMPED STORAGE SITING.** (1) The Washington State University energy program shall conduct a process to identify issues and interests related to siting pumped storage projects in Washington state, to support expanded capacity to store intermittently produced renewable energy, such as from wind and solar, as part of the state's transition from fossil fuel to 100 percent clean energy. The Washington State University energy program may decide to include within the process's scope the collocation of pumped storage with wind or solar energy generation. The goal of the process is to identify and understand issues and interests of various stakeholders and federally recognized Indian tribes related to areas where pumped storage might be sited, providing useful information to developers of potential projects, and for subsequent environmental reviews under the state environmental policy act.

(2) In carrying out this process, the Washington State University energy program shall provide ample opportunities for the engagement of federally recognized Indian tribes, local governments and special purpose districts, land use and environmental organizations, and additional stakeholders that self-identify as interested in participating in the process.

(3) The Washington State University energy program must develop and make available a map and associated GIS data layers, highlighting areas identified through the process.

(4) Any information provided by tribes will help to inform the map product, but the Washington State University energy program may not include sensitive tribal information, as identified by federally recognized Indian tribes, in the publicly available map or GIS data layers. The information developed by this process and creation of the map under this section does not supplant the need for project developers to conduct early and individual outreach to federally recognized Indian tribes and other affected communities. The Washington State University energy program must take precautions to prevent disclosure of any sensitive tribal information it receives during the process, consistent with RCW 42.56.300.

(5) The pumped storage siting information process must be completed by June 30, 2025.

**NEW SECTION. Sec. 307.** (1)(a) The department must consult with stakeholders from rural communities, agriculture, natural resource management and conservation, and forestry to gain a better understanding of the benefits and impacts of anticipated changes in the state's energy system, including the siting of facilities under the

jurisdiction of the energy facility site evaluation council, and to identify risks and opportunities for rural communities. This consultation must be conducted in compliance with the community engagement plan developed by the department under chapter 70A.02 RCW and with input from the environmental justice council, using the best recommended practices available at the time. The department must collect the best available information and learn from the lived experiences of people in rural communities, with the objective of improving state implementation of clean energy policies, including the siting of energy facilities under the jurisdiction of the energy facility site evaluation council, in ways that protect and improve life in rural Washington. The department must consult with an array of rural community members, including: Low-income community and vulnerable population members or representatives; legislators; local elected officials and staff; those involved with agriculture, forestry, and natural resource management and conservation; renewable energy project property owners; utilities; large energy consumers; and others.

(b) The consultation must include stakeholder meetings with at least one in eastern Washington and one in western Washington.

(c) The department's consultation with stakeholders may include, but is not limited to, the following topics:

(i) Energy facility siting under the jurisdiction of the energy facility site evaluation council, including placement of new renewable energy resources, such as wind and solar generation, pumped storage, and batteries or new nonemitting electric generation resources, and their contribution to resource adequacy;

(ii) Production of hydrogen, biofuels, and feedstocks for clean fuels;

(iii) Programs to reduce energy cost burdens on rural families and farm operations;

(iv) Electric vehicles, farm and warehouse equipment, and charging infrastructure suitable for rural use;

(v) Efforts to capture carbon or produce energy on agricultural, forest, and other rural lands, including dual use solar projects that ensure ongoing agricultural operations;

(vi) The use of wood products and forest practices that provide low-carbon building materials and renewable fuel supplies; and

(vii) The development of clean manufacturing facilities, such as solar panels, vehicles, and carbon fiber.

(2)(a) The department must complete a report on rural clean energy and resilience that takes into consideration the consultation with rural stakeholders as described in subsection (1) of this section. The report must include recommendations for how policies, projects, and investment programs, including energy facility siting through the energy facility site evaluation council, can be developed or amended to more equitably distribute costs and benefits to rural communities. The report must include an assessment of how to improve the total benefits to rural areas overall, as well as

the equitable distribution of benefits and costs within rural communities.

(b) The report must include a baseline understanding of rural energy production and consumption, and collect data on their economic impacts. Specifically, the report must examine:

(i) Direct, indirect, and induced jobs in construction and operations;

(ii) Financial returns to property owners;

(iii) Effects on local tax revenues and public services, which must include whether any school districts had a net loss of resources from diminished local effort assistance payments required under chapter 28A.500 RCW and impacts to public safety, the 911 emergency communications system, mental health, criminal justice, and rural county roads;

(iv) Effects on other rural land uses, such as agriculture, natural resource management and conservation, and tourism;

(v) Geographic distribution of large energy projects previously sited or forecast to be sited in Washington;

(vi) Potential forms of economic development assistance and impact mitigation payments; and

(vii) Relevant information from the least-conflict priority solar siting pilot project in the Columbia basin of eastern and central Washington required under section 607, chapter 334, Laws of 2021.

(c) The report must include a forecast of what Washington's clean energy transition will require for siting energy projects in rural Washington. The department must gather and analyze the best available information to produce forecast scenarios.

(d) By December 1, 2024, the department must submit a final report on rural clean energy and resilience to the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010 and the appropriate policy and fiscal committees of the legislature.

(3) For the purposes of this section, "department" means the department of commerce.

**Sec. 308.** RCW 44.39.010 and 2005 c 299 s 1 are each amended to read as follows:

There is hereby created the joint committee on energy supply ~~((and))~~ energy conservation, and energy resilience.

**Sec. 309.** RCW 44.39.012 and 2005 c 299 s 4 are each amended to read as follows:

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

(1) "Committee" means the joint committee on energy supply ~~((and))~~ energy conservation, and energy resilience.

(2) "Conservation" means reduced energy consumption or energy cost, or increased efficiency in the use of energy, and activities, measures, or equipment designed to achieve such results.

**NEW SECTION. Sec. 310.** (1) The committee shall review the report produced by the department of commerce under section



307 of this act and consider any policy or budget recommendations to reduce impacts and increase benefits of the clean energy transition for rural communities, including mechanisms to support local tax revenues and public services.

(2) The committee must hold at least two meetings, at least one of which must be in eastern Washington. The first meeting of the committee must occur by September 30, 2023.

(3) Relevant state agencies, departments, and commissions, including the energy facility site evaluation council, shall cooperate with the committee and provide information as the chair reasonably requests.

(4) The committee shall report its findings and any recommendations to the energy facility site evaluation council and the committees of the legislature with jurisdiction over environment and energy laws by December 1, 2024. Recommendations of the committee may be made by a simple majority of committee members. In the event that the committee does not reach majority-supported recommendations, the committee may report minority findings supported by at least two members of the committee.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Alternative energy" means energy derived from an alternative energy resource specified in RCW 80.50.020(1).

(b) "Committee" means the joint committee on energy supply, energy conservation, and energy resilience created in RCW 44.39.010.

(6) This section expires June 30, 2025.

#### **PART 4**

#### **MISCELLANEOUS PROVISIONS**

NEW SECTION. **Sec. 401.** Sections 101 and 102 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 402.** Sections 201 through 210 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 403.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Ybarra moved the adoption of amendment (259) to the striking amendment (178):

On page 7, beginning on line 26 of the striking amendment, after "meeting" strike "the entity's"

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

Amendment (259) to the striking amendment (178) was adopted.

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

The striking amendment (178), 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 Fitzgibbon, Dye and Stearns spoke in favor of the passage of the bill.

#### **MOTION**

On motion of Representative Ramel, Representatives Farivar, Hansen and Reeves were excused.

Representative Klicker spoke against the passage of the bill.

#### **MOTION**

On motion of Representative Griffey, Representative McEntire was excused.

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

Representative Dent spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1216.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1216, and the bill passed the House by the following vote: Yeas, 75; Nays, 20; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Kloba, Leavitt, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Barnard, Christian, Connors, Corry, Dent, Graham, Klicker, Kretz, Lekanoff, Maycumber, McClintock, Mosbrucker, Orcutt, Rude, Schmick, Schmidt, Volz, Walsh, Waters and Ybarra

Excused: Representatives Hansen, McEntire and Reeves

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1216, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1724, by Representatives Bateman, Macri, Taylor, Berry, Tharinger, Slatter, Callan, Leavitt, Reed and Shavers**

**Increasing the trained behavioral health workforce.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1724 was substituted for House Bill No. 1724 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1724 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 Bateman and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1724.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1724, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McEntire and Reeves

SECOND SUBSTITUTE HOUSE BILL NO. 1724, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1405, by Representatives Alvarado, Farivar, Taylor, Reeves, Senn, Mena, Berg, Cortes, Simmons, Berry, Ortiz-Self, Goodman, Lekanoff, Gregerson, Ramel, Macri, Reed, Ormsby, Doglio, Chopp and Santos**

**Preserving public benefit payments to people in the care of the department of children, youth, and families.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1405 was substituted for House Bill No. 1405 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1405 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 Alvarado and Couture spoke in favor of the passage of the bill.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1405.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1405, and the bill passed the House by the following vote: Yeas, 78; Nays, 17; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cheney, Chopp, Connors, Cortes, Couture,

Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Caldier, Chambers, Christian, Corry, Dye, Goehner, Graham, Jacobsen, Klicker, McClintock, Mosbrucker, Robertson, Rude, Schmick, Steele, Walsh and Ybarra

Excused: Representatives Hansen, McEntire and Reeves

SECOND SUBSTITUTE HOUSE BILL NO. 1405, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1626, by Representatives Bronoske, Rude, Ryu, Griffey, Callan, Fosse, Senn, Macri, Pollet, Graham, Leavitt and Reed**

**Concerning coverage for colorectal screening tests under medical assistance programs.**

The bill was read the second time.

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

Representatives Bronoske and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1626.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1626, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McEntire and Reeves

HOUSE BILL NO. 1626, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1599, by Representatives Goodman, Berry, Ramel and Pollet**

**Concerning court files and records exemptions for firearm background checks.**

The bill was read the second time.

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

Representatives Goodman, Cheney and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1599.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1599, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McEntire and Reeves

HOUSE BILL NO. 1599, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1542, by Representatives Bronoske, Fosse, Berry, Hackney, Abbarno, Griffey, Walsh, Ortiz-Self, Taylor, Ramel, Simmons, Jacobsen, Schmidt, Graham, Ormsby, Pollet, Kloba, Doglio, Bateman, Macri, Leavitt and Timmons**

**Requiring automated external defibrillators to be available and accessible when work is being performed on high voltage lines and equipment.**

The bill was read the second time.

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

Representatives Bronoske and Schmidt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1542.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1542, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McEntire and Reeves

HOUSE BILL NO. 1542, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1656, by Representatives Schmidt, Fosse, Berry, Robertson, Christian, Ormsby and Riccelli**

**Concerning unemployment insurance benefits appeal procedures.**

The bill was read the second time.

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

Representatives Schmidt and Fosse spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1656.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1656, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen and McEntire

HOUSE BILL NO. 1656, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Volz congratulated Representative Schmidt on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

### SECOND READING

**HOUSE BILL NO. 1736, by Representatives Cortes, Fey, Senn, Ryu, Wylie, Slatter, Reed and Pollet**

**Requiring the department of licensing to collect vehicle odometer readings at the time of original vehicle registration and registration renewal.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1736 was substituted for House Bill No. 1736 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1736 was read the second time.

Representative Cortes moved the adoption of amendment (218):

On page 2, beginning on line 27, after "to provide" strike "any or accurate" and insert "the"

On page 3, on line 17, after "provide" strike "any or accurate" and insert "the"

Representatives Cortes and Fey spoke in favor of the adoption of the amendment.

Representative Barkis spoke against the adoption of the amendment.

Amendment (218) was adopted.

Representative Low moved the adoption of amendment (258):

On page 6, after line 20, insert the following:

**"NEW SECTION. Sec. 5.** After one year of collecting vehicle odometer information, the department must provide a report with the number of people who provided their vehicle odometer mileage, the number of people who were asked to provide their vehicle odometer mileage, and the problems encountered in implementing the collection of vehicle odometer mileage. The report is due to the transportation committees of the legislature by May 1, 2025."

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

Correct the title.

Representatives Low and Fey spoke in favor of the adoption of the amendment.

Amendment (258) was adopted.

Representative Barkis moved the adoption of amendment (257):

On page 6, line 21, after "**Sec. 5.**" strike all material through "2024" and insert "The department must implement a system to collect the vehicle odometer mileage information in a manner which allows the calculation of the difference from prior odometer readings. The department may make other modifications to the system for collecting vehicle odometer mileage information which improve the usefulness of the data. The department must provide written notice to the governor, secretary of the senate, and the chief clerk of the house 90 days before the date of implementation of the system of collecting vehicle odometer mileage information."

**NEW SECTION. Sec. 6.** Sections 1 through 4 of this act take effect on the 90th day after the receipt of the notice required in section 5 of this act"

Correct the title.

With the consent of the House, amendment (257) was withdrawn.

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 Cortes spoke in favor of the passage of the bill.

Representatives Barkis, Walsh, Schmick and Orcutt spoke against the passage of the bill.

### MOTION

On motion of Representative Corry, Representative Eslick was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1736.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1736, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Eslick and Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1736, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1316, by Representatives Paul, Ortiz-Self, Stonier, Bergquist, Lekanoff, Ramel, Santos, Reed, Pollet, Leavitt, Timmons, Chapman and Ormsby**

### Expanding access to dual credit programs.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1316 was substituted for House Bill No. 1316 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1316 was read the second time.

Representative Stokesbary moved the adoption of the striking amendment (270):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that dual credit enrollment in high school improves college attendance, persistence, and completion, especially for low-income students. Students who enrolled in dual credit courses in high school improve their likelihood of college success. They are more likely to graduate college and

more likely to complete their bachelor's degree within four years. However, the legislature also finds that low-income students are less likely to access dual credit opportunities in high school, and they are subsequently less likely to apply to college and to complete their bachelor's degree within four years. The legislature finds that when students who have financial need in college first obtain dual credits while in high school, they improve their likelihood of college success. In addition, students who are eligible for financial aid in college actually reduce costs to the state by pursuing dual credit enrollment while in high school.

Therefore, it is the intent of the legislature to remove barriers to dual credit participation in high school, especially for low-income students, by subsidizing all dual credit costs and fees for students whose family incomes would make them eligible for state financial aid in college. It is also the intent of the legislature to encourage low-income students to complete dual credit courses in high school by sharing the savings to which these students' efforts contributed, in the form of a \$1,000 payment to eligible students who complete their first year of college.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) The office of the superintendent of public instruction shall administer a program to subsidize certain dual credit program costs for eligible students.

(2)(a) For eligible students enrolled in running start courses, the program must subsidize:

(i) Any student-voted fees, technology fees, course fees, laboratory fees, or other fees required for enrollment, up to 18 credits per quarter, that were not waived by the institution of higher education under RCW 28A.600.310; and

(ii) Textbooks and other course materials required by the institution of higher education.

(b) To subsidize the costs required by (a) of this subsection, the office of the superintendent of public instruction must transmit to each institution of higher education \$1,000 per full-time equivalent eligible student per academic year. At the end of the academic year, each institution of higher education must return any unused funds to the office of the superintendent of public instruction.

(c) For the purposes of this subsection (2), "institution of higher education" has the same meaning as in RCW 28A.600.300.

(3) For eligible students enrolled in college in the high school program courses, the program must subsidize tuition fees permitted under RCW 28A.600.287.

(4) For eligible students enrolled in career and technical education dual credit courses, the program must subsidize transcription fees assessed by the institution of higher education.

(5) For eligible students taking advanced placement exams, international baccalaureate exams, and Cambridge international exams,

the program must subsidize student fees related to exam registration and administration.

(6) The office of the superintendent of public instruction must collaborate with institutions of higher education to facilitate identification of eligible students who qualify for fee waivers for running start program courses under RCW 28A.600.310.

(7) The office of the superintendent of public instruction, school districts, institutions of higher education, and other recipients of program funds under this section may not use the funds to supplant federal and private funds that cover dual credit course costs or dual credit exam costs for eligible students.

(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Institution of higher education" has the same meaning as in RCW 28B.10.016, and also means a public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education.

(b) "Eligible student" means a student:

(i) Who is eligible for free or reduced-price school meals based on the income of the student's household;

(ii) Who is categorically eligible for free school meals without an application and not subject to income verification; or

(iii) Whose parent or legal guardian attests that the student demonstrates financial need equivalent to the financial need required to receive the maximum Washington college grant under RCW 28B.92.205, using the attestation form developed as required under section 3 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28B.77 RCW to read as follows:

The council, in consultation with the office of the superintendent of public instruction, the state board for community and technical colleges, public four-year institutions of higher education, and other interested parties, shall develop and publish an income attestation form to be used to determine student eligibility for:

(1) The dual credit subsidy program under section 2 of this act; and (2) fee waivers for running start program courses under RCW 28A.600.310.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) Prior to course scheduling or course registration for the next school term, each public school that serves students in any of grades nine through 12 must provide all students and their parents or legal guardians with: Information about each available dual credit program and any financial assistance available to reduce dual credit course and exam costs for students and their families. The information must be provided via email and other

communication methods, and, to the extent feasible, must be translated into the primary language of each parent or legal guardian.

(2) Public schools are encouraged to include in the notification required under subsection (1) of this section other information about advanced course taking that must be provided to parents and legal guardians under RCW 28A.320.195, 28A.600.287, and 28A.600.320.

(3) As used in this section, "public school" has the same meaning as in RCW 28A.150.010.

**Sec. 5.** RCW 28A.600.287 and 2021 c 71 s 1 are each amended to read as follows:

(1) College in the high school is a dual credit program located on a high school campus or in a high school environment in which a high school student is able to earn both high school and college credit by completing college level courses with a passing grade. A college in the high school program must meet the accreditation requirements in RCW 28B.10.035 and the requirements in this section.

(2) A college in the high school program may include both academic and career and technical education.

(3) Ninth, 10th, 11th, and 12th grade students, and students who have not yet received a high school diploma or its equivalent and are eligible to be in the ninth, 10th, 11th, or 12th grades, may participate in a college in the high school program.

(4) A college in the high school program must be governed by a local contract between an institution of higher education and a school district, charter school, or state-tribal compact school, in compliance with the rules adopted by the superintendent of public instruction under this section. The local contract must include the qualifications for students to enroll in a program course.

(5) (a) An institution of higher education may charge tuition fees per credit to each student enrolled in a program course as established in this subsection (5).

(b) (i) The maximum per college credit tuition fee for a program course is ~~(((\$65))~~ \$42.50 per college credit adjusted for inflation using the implicit price deflator for that fiscal year, using fiscal year 2021 as the base, as compiled by the bureau of labor statistics, United States department of labor for the state of Washington.

(ii) Annually by July 1st, the office of the superintendent of public instruction must calculate the maximum per college credit tuition fee and post the fee on its website.

(c) The funds received by an institution of higher education under this subsection (5) are not tuition or operating fees and may be retained by the institution of higher education.

(6) Enrollment information on persons registered under this section must be maintained by the institution of higher education separately from other enrollment information and may not be included in official enrollment reports, nor may such

persons be considered in any enrollment statistics that would affect higher education budgetary determinations.

(7) Each school district, charter school, and state-tribal compact school must award high school credit to a student enrolled in a program course if the student successfully completes the course. If no comparable course is offered by the school district, charter school, or state-tribal compact school, the chief administrator shall determine how many credits to award for the successful completion of the program course. The determination must be made in writing before the student enrolls in the program course. The awarded credit must be applied toward graduation requirements and subject area requirements. Evidence of successful completion of each program course must be included in the student's high school records and transcript.

(8) An institution of higher education must award college credit to a student enrolled in a program course if the student successfully completes the course. The awarded college credit must be applied toward general education requirements or degree requirements at the institution of higher education. Evidence of successful completion of each program course must be included in the student's college transcript.

(9) (a) A high school that offers a college in the high school program must provide general information about the program to all students in grades eight through 12 and to the parents and guardians of those students.

(b) A high school that offers a college in the high school program must include the following information about program courses in the high school catalogue or equivalent:

(i) There is no fee for students to enroll in a program course to earn only high school credit. Fees apply for students who choose to enroll in a program course to earn both high school and college credit;

(ii) A description and breakdown of the fees charged to students to earn college credit;

(iii) A description of fee payment and financial assistance options available to students; and

(iv) A notification that paying for college credit automatically starts an official college transcript with the institution of higher education offering the program course regardless of student performance in the program course, and ~~((that college credit earned upon successful completion of a program course may count only as elective credit if transferred to another institution of higher education))~~ most but not all institutions of higher education may recognize and accept this credit.

(10) Full-time and part-time faculty at institutions of higher education, including adjunct faculty, are eligible to teach program courses.

(11) Students enrolled in a program course may pay college in the high school fees with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.

(12) The superintendent of public instruction shall adopt rules for the administration of this section. The rules must be jointly developed by the superintendent of public instruction, the state board for community and technical colleges, the student achievement council, and the public baccalaureate institutions. The association of Washington school principals must be consulted during the rules development. The rules must outline quality and eligibility standards that are informed by nationally recognized standards or models. In addition, the rules must encourage the maximum use of the program and may not narrow or limit the enrollment options.

(13) The definitions in this subsection apply throughout this section.

(a) "Charter school" means a school established under chapter 28A.710 RCW.

(b) "High school" means a public school, as defined in RCW 28A.150.010, that serves students in any of grades nine through 12.

(c) "Institution of higher education" has the same meaning as in RCW 28B.10.016, and also means a public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education.

(d) "Program course" means a college course offered in a high school under a college in the high school program.

(e) "State-tribal compact school" means a school established under chapter 28A.715 RCW.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.6 full-time equivalents, including school district and institution of higher education enrollment.

(2) In calculating the combined full-time equivalents, the office of the superintendent of public instruction:

(a) Must adopt rules to fund the participating student's enrollment in running start courses provided by the institution of higher education during the summer academic term; and

(b) May average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and the institution of higher education.

(3) Running start programs as a service delivery model, associated funding levels beyond 1.0 full-time equivalent per student, and funding for high school graduates enrolled in running start courses under RCW 28A.600.310(2)(b), are not part of the state's statutory program of basic education under chapter 28A.150 RCW.

(4) The office of the superintendent of public instruction, in consultation with the state board for community and technical colleges, the participating institutions of higher education, the student achievement council, and the education data center, must

annually track, and report to the fiscal committees of the legislature, the combined full-time equivalent experience of students participating in running start programs, including course load analyses and enrollments by high school and participating institutions of higher education.

**Sec. 7.** RCW 28A.600.310 and 2019 c 252 s 115 and 2019 c 176 s 2 are each reenacted and amended to read as follows:

(1) Every school district must allow eligible students as described in subsection (2) of this section to participate in the running start program.

(2) Student eligibility for the running start program is as follows:

(a) ~~Eleventh and ((~~twelfth~~))~~ 12th grade students or students who have not yet received the credits required for the award of a high school diploma and are eligible to be in the ~~((~~eleventh~~))~~ 11th or ~~((~~twelfth~~))~~ 12th grade ~~((~~s~~))~~, including students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW, may apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education.

(b) ~~((The course sections and programs offered as running start courses must also be open for registration to matriculated students at the participating institution of higher education and may not be a course consisting solely of high school students offered at a high school campus.~~

~~((A student))~~ High school graduates who have 15 or fewer college credits to earn before meeting associate degree requirements may continue participation in the running start program and earn up to 15 college credits during the summer academic term following their high school graduation.

(3) Students receiving home-based instruction under chapter 28A.200 RCW enrolling in a public high school for the sole purpose of participating in courses or programs offered by institutions of higher education shall not be counted by the school district in any required state or federal accountability reporting if the student's parents or guardians filed a declaration of intent to provide home-based instruction and the student received home-based instruction during the school year before the school year in which the student intends to participate in courses or programs offered by the institution of higher education.

~~((Students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW shall not be required to meet the student learning goals or to learn the state learning standards. However, students are eligible to enroll in courses or programs in participating universities only if the board of directors of the student's school district has decided to participate in the program.))~~

(4) Participating institutions of higher education, in consultation with school districts, may establish admission standards for ~~((these))~~ eligible students. If the

institution of higher education accepts a secondary school ~~((pupil))~~ student for enrollment under this section, the institution of higher education shall send written notice to the ~~((pupil))~~ student and the ~~((pupil's))~~ student's school district within ~~((ten))~~ 10 days of acceptance. The notice shall indicate the course and hours of enrollment for that ~~((pupil))~~ student.

~~((2))~~ (5) The course sections and programs offered as running start courses must be open for registration to matriculated students at the participating institution of higher education and may not be a course consisting solely of high school students offered at a high school campus.

(6) (a) In lieu of tuition and fees, as defined in RCW 28B.15.020 and 28B.15.041:

(i) Running start students shall pay to the community or technical college all other mandatory fees as established by each community or technical college and, in addition, the state board for community and technical colleges may authorize a fee of up to ~~((ten))~~ 10 percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041; and

(ii) All other institutions of higher education operating a running start program may charge running start students a fee of up to ~~((ten))~~ 10 percent of tuition and fees as defined in RCW 28B.15.020 and 28B.15.041 in addition to technology fees.

(b) The fees charged under this subsection ~~((2))~~ (6) shall be prorated based on credit load.

(c) Students may pay fees under this subsection (6) with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.

~~((3))~~ (7) (a) The institutions of higher education must make available fee waivers for low-income running start students. A student shall be considered low income and eligible for a fee waiver upon proof that the student ~~((is currently qualified to receive))~~ meets federal eligibility requirements for free or reduced-price ~~((lunch))~~ school meals. Acceptable documentation of low-income status may also include, but is not limited to, documentation that a student has been deemed eligible for free or reduced-price lunches in the last five years, or other criteria established in the institution's policy.

(b) (i) By the beginning of the 2020-21 school year, school districts, upon knowledge of a low-income student's enrollment in running start, must provide documentation of the student's low-income status, under (a) of this subsection, directly to institutions of higher education.

(ii) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction, in consultation with the Washington student achievement council, shall develop a centralized process for school districts to provide students' low-income status to institutions of higher education to meet the requirements of (b) (i) of this subsection.

(c) Institutions of higher education, in collaboration with relevant student associations, shall aim to have students who can benefit from fee waivers take advantage of these waivers. Institutions shall make every effort to communicate to students and their families the benefits of the waivers and provide assistance to students and their families on how to apply. Information about waivers shall, to the greatest extent possible, be incorporated into financial aid counseling, admission information, and individual billing statements. Institutions also shall, to the greatest extent possible, use all means of communication, including but not limited to websites, online catalogues, admission and registration forms, mass email messaging, social media, and outside marketing to ensure that information about waivers is visible, compelling, and reaches the maximum number of students and families that can benefit.

~~((4))~~ (8) The ~~((pupil's))~~ student's school district shall transmit to the institution of higher education an amount per each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260, and equivalent amounts for high school graduates enrolled in running start courses under subsection (2) (b) of this section, to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW. The superintendent of public instruction, participating institutions of higher education, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. The funds received by the institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the institution of higher education. A student enrolled under this subsection shall be counted for the purpose of meeting enrollment targets in accordance with terms and conditions specified in the omnibus appropriations act.

(9) 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 established under chapter 28A.715 RCW to the same extent as it applies to school districts.

**Sec. 8.** RCW 28A.600.390 and 2012 c 229 s 506 are each amended to read as follows:

The superintendent of public instruction, the state board for community and technical colleges, and the student achievement council shall jointly develop and adopt rules governing RCW 28A.600.300 through



28A.600.380 and section 6 of this act, if rules are necessary. The rules shall be written to encourage the maximum use of the program and shall not narrow or limit the enrollment options under RCW 28A.600.300 through 28A.600.380.

**Sec. 9.** RCW 28A.600.400 and 1994 c 205 s 11 are each amended to read as follows:

RCW 28A.600.300 through 28A.600.390 are in addition to and not intended to adversely affect agreements between school districts and institutions of higher education in effect on April 11, 1990 (~~(, and in the future)~~).

**Sec. 10.** RCW 28B.92.030 and 2022 c 166 s 1 are each amended to read as follows:

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

(1) "Council" means the student achievement council.

(2) "Dual credit incentive rebate" means a one-time, lump sum grant provided in addition to the Washington college grant to provide supplementary financial support to low-income students.

(3) "Dual credit program" means a program in which a student qualifies for both postsecondary and high school credit upon either successfully completing a dual credit course or by passing a dual credit exam.

(4) "Financial aid" means either loans, grants, or both, to students who demonstrate financial need enrolled or accepted for enrollment as a student at institutions of higher education.

~~((3))~~ (5) "Financial need" means a demonstrated financial inability to bear the total cost of education as directed in rule by the office.

~~((4))~~ (6) "Institution" or "institutions of higher education" means:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; ~~((e))~~

(b) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level that is a member institution of an accrediting association recognized by rule of the council for the purposes of this section and that agrees to and complies with program rules adopted pursuant to RCW 28B.92.150. However, any institution, branch, extension or facility operating within the state of Washington that is affiliated with an institution operating in another state must be:

(i) A separately accredited member institution of any such accrediting association;

(ii) A branch of a member institution of an accrediting association recognized by rule of the council for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of ~~((twenty))~~ 20 consecutive years within the state of Washington, and has an annual enrollment of

at least ~~((seven hundred))~~ 700 full-time equivalent students; or

(iii) A nonprofit institution recognized by the state of Washington as provided in RCW 28B.77.240; or

~~((iv))~~ (c) An approved apprenticeship program under chapter 49.04 RCW.

~~((5))~~ (7) "Maximum Washington college grant":

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, is tuition and estimated fees for ~~((fifteen))~~ 15 quarter credit hours or the equivalent, as determined by the office, including operating fees, building fees, and services and activities fees.

(b) For students attending private four-year not-for-profit institutions of higher education in Washington, in the 2019-20 academic year, is ~~((nine thousand seven hundred thirty-nine dollars))~~ \$9,739 and may increase each year afterwards by no more than the tuition growth factor.

(c) For students attending two-year private not-for-profit institutions of higher education in Washington, in the 2019-20 academic year, is ~~((three thousand six hundred ninety-four dollars))~~ \$3,694 and may increase each year afterwards by no more than the tuition growth factor.

(d) For students attending four-year private for-profit institutions of higher education in Washington, in the 2019-20 academic year, is ~~((eight thousand five hundred seventeen dollars))~~ \$8,517 and may increase each year afterwards by no more than the tuition growth factor.

(e) For students attending two-year private for-profit institutions of higher education in Washington, in the 2019-20 academic year, is ~~((two thousand eight hundred twenty-three dollars))~~ \$2,823 and may increase each year afterwards by no more than the tuition growth factor.

(f) For students attending Western Governors University-Washington, as established in RCW 28B.77.240, in the 2019-20 academic year, is ~~((five thousand six hundred nineteen dollars))~~ \$5,619 and may increase each year afterwards by no more than the tuition growth factor.

(g) For students attending approved apprenticeship programs, beginning in the 2022-23 academic year, is the same amount as the maximum Washington college grant for students attending two-year institutions of higher education as defined in (a) of this subsection to be used for tuition and fees, program supplies and equipment, and other costs that facilitate educational endeavors.

~~((6))~~ (8) "Office" means the office of student financial assistance.

~~((7))~~ (9) "Tuition growth factor" means an increase of no more than the average annual percentage growth rate of the median hourly wage for Washington for the previous ~~((fourteen))~~ 14 years as the wage is determined by the federal bureau of labor statistics.

NEW SECTION. **Sec. 11.** A new section is added to chapter 28B.92 RCW to read as follows:

The dual credit incentive rebate is created. The office shall award a dual credit incentive rebate of \$1,000 to a Washington college grant recipient who:

(1) Earned at least 24 quarter credits or the equivalent at the postsecondary level through one or more dual credit programs; and

(2) Earned at least an additional 24 quarter credits or the equivalent at the postsecondary level after graduating high school.

**NEW SECTION. Sec. 12.** The following acts or parts of acts are each repealed:

(1) RCW 28A.320.196 (Academic acceleration incentive program—Dual credit courses—Allocation of funds—Reports) and 2022 c 75 s 4, 2021 c 71 s 4, 2015 c 202 s 2, & 2013 c 184 s 3;

(2) RCW 28A.600.290 (College in the high school program—Funding) and 2021 c 71 s 2, 2015 c 202 s 3, 2012 c 229 s 801, & 2009 c 450 s 3;

(3) RCW 28B.76.730 (Washington dual enrollment scholarship pilot program) and 2021 c 71 s 6, 2020 c 259 s 1, & 2019 c 176 s 1;

(4) RCW 43.131.427 (Washington dual enrollment scholarship pilot program—Termination) and 2019 c 176 s 3; and

(5) RCW 43.131.428 (Washington dual enrollment scholarship pilot program—Repeal) and 2019 c 176 s 4."

Correct the title.

Representatives Stokesbary, Chambers, Walsh, Rude, Schmidt and Corry spoke in favor of the adoption of the striking amendment.

Representative Bergquist spoke against the adoption of the striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 39 - YEAS; 57 - NAYS.

The striking amendment (270) 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.

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

Representatives Stokesbary, Ybarra, Volz and Chambers spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1316.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1316, and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons,

Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Eslick and Hansen

SECOND SUBSTITUTE HOUSE BILL NO. 1316, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1728, by Representatives Donaghy, Rule, Reeves, Morgan, Ramel, Reed and Leavitt**

**Creating a statewide resiliency program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1728 was substituted for House Bill No. 1728 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1728 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 Donaghy spoke in favor of the passage of the bill.

Representative Volz spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1728.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1728, and the bill passed the House by the following vote: Yeas, 68; Nays, 28; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hutchins, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Griffey, Harris, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Robertson, Schmick, Schmidt, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Eslick and Hansen

SECOND SUBSTITUTE HOUSE BILL NO. 1728, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1622, by Representatives Fey, Rude, Simmons, Schmidt, Cortes, Senn, Slatter, Alvarado, Ryu, Wylie, Bergquist, Paul, Gregerson, Morgan, Macri, Pollet, Doglio, Timmons and Leavitt**

**Supporting the needs of students experiencing homelessness.**

The bill was read the second time.

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

Representatives Fey and Rude spoke in favor of the passage of the bill.

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

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1622, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Hansen

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

### HOUSE BILL NO. 1652, by Representatives Taylor, Couture and Rule

#### Concerning child support pass through.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1652 was substituted for House Bill No. 1652 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1652 was read the second time.

Representative Couture moved the adoption of amendment (125):

On page 2, line 39, after "current child support" strike "and child support arrears"

On page 3, line 6, after "current child support" strike "and child support arrears"

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

Amendment (125) 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 Taylor and Couture spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1652.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1652, and the bill passed the House by the following vote: Yeas, 89; Nays, 7; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Caldier, Chambers, Chandler, Jacobsen, McEntire and Walsh

Excused: Representatives Eslick and Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1203, by Representatives Ormsby and Macri

**Improving the fiscal process by updating accounts administered by the office of financial management, creating new accounts including one for the opioid litigation settlement and one for the receipt of federal funds, and reenacting accounts created in the supplemental budget bill.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1203 was substituted for House Bill No. 1203 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1203 was read the second time.

Representative Ormsby moved the adoption of amendment (297):

On page 3, at the beginning of line 4, strike "(4)" and insert "((+4))"

On page 3, at the beginning of line 12, strike "(1)" and insert "((+1))"

On page 3, line 18, after "RCW." strike all material through "section, an" on line 19 and insert "((Subject to the requirements of subsection (2) of this section, an)) An"

On page 3, at the beginning of line 30, strike "(2)" and insert "((+2))"

Representatives Ormsby and Stokesbary spoke in favor of the adoption of the amendment.

Amendment (297) 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 Ormsby and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1203.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1203, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1203, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1705, by Representatives Griffey, Couture and Wylie**

**Concerning stormwater control facilities and county jurisdiction.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1705 was substituted for House Bill No. 1705 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1705 was read the second time.

Representative Duerr moved the adoption of amendment (091):

On page 2, line 14, after "district" strike "must notify and consult with" and insert "should notify"

On page 2, line 15, after "district." insert "The ordinary maintenance of stormwater control facilities by a county does not require notification to a diking or drainage district."

On page 2, line 25, after "thereof" strike "is" and insert "pursuant to a written agreement as provided for in subsection (3)(b) of this section may be"

Representatives Duerr and Griffey spoke in favor of the adoption of the amendment.

Amendment (091) 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 Griffey and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1705.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1705, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Shavers

Excused: Representatives Eslick and Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

**HOUSE BILL NO. 1392, by Representatives Gregerson, Kretz, Ryu, Dent, Berry, Fitzgibbon, Reed, Ramel, Pollet and Macri**

**Promoting the fair servicing and repair of digital electronic equipment.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1392 was substituted for House Bill No. 1392 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1392 was read the second time.

With the consent of the House, amendments (224) and (235) were withdrawn.

Representative Corry moved the adoption of amendment (226):

On page 2, after line 11, insert the following:

"(f) Consumers demand that when their digital electronic device is being repaired that their personal financial and health data and images must be protected from theft."

Representatives Corry and Chambers spoke in favor of the adoption of the amendment.

Representative Gregerson spoke against the adoption of the amendment.

Amendment (226) was not adopted.

Representative Stokesbary moved the adoption of amendment (195):

On page 2, line 36, after "tablet computer," insert "video game console,"

With the consent of the House, amendment (195) was withdrawn.

Representative Walsh moved the adoption of amendment (230):

On page 3, line 6, after "equipment." insert "Documentation also includes trade secrets of an original manufacturer."

On page 5, line 31, after "2017." insert ""Trade secret" also means an original manufacturer's intellectual property or proprietary information as determined by the original manufacturer and includes any documentation needed to access and reset the lock or function of any digital electronic equipment when disabled in the course of diagnosis, maintenance, or repair of such equipment."

On page 7, line 29, after "property" insert "or proprietary information"

Representatives Walsh, Corry, Stokesbary, Orcutt and Cheney spoke in favor of the adoption of the amendment.

Representatives Reeves and Gregerson spoke against the adoption of the amendment.

Amendment (230) was not adopted.

Representative Walsh moved the adoption of amendment (232):

On page 5, line 32, after "2024," insert "unless an original manufacturer of digital electronic equipment has an agreement with an authorized repair provider to repair the original manufacturer's digital electronic equipment,"

Representatives Walsh and Walsh (again) spoke in favor of the adoption of the amendment.

Representative Walen spoke against the adoption of the amendment.

Amendment (232) was not adopted.

Representative Stokesbary moved the adoption of amendment (228):

On page 6, after line 33, insert the following:

"(5) If an independent repair provider attempts to repair a customer's digital electronic equipment that is under the original manufacturer's warranty period and such attempted repair renders the digital electronic device inoperable, the independent repair provider shall provide the customer with an identical replacement of the digital electronic equipment or, if an identical replacement is not available, an upgraded version of the digital electronic equipment."

Representatives Stokesbary and Corry spoke in favor of the adoption of the amendment.

Representative Walen spoke against the adoption of the amendment.

Amendment (228) was not adopted.

Representative Schmidt moved the adoption of amendment (233):

On page 7, beginning on line 8, after "(b)" strike all material through "repairs" on line 9 and insert "Prohibiting the sharing of passcodes and passwords to protect the customer's privacy"

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

Representative Gregerson spoke against the adoption of the amendment.

Amendment (233) was not adopted.

Representative Walsh moved the adoption of amendment (231):

On page 7, line 12, after "accounts;" strike "and"

On page 7, line 26, after "reputation" insert ";

"(4) Repairs not performed by the original manufacturer or an original manufacturer's authorized repair provider may void the warranty of digital electronic equipment; and

(5) A disclosure that includes information about all safety issues related to the replacement of a battery if a battery is installed in the digital electronic equipment during a repair."

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

Representative Walen spoke against the adoption of the amendment.

Amendment (231) was not adopted.

Representative Corry moved the adoption of amendment (176):

On page 8, after line 33, insert the following:

"(8) Nothing in this chapter shall apply to a:

(a) Motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in that capacity or to any product or service of a motor vehicle manufacturer, manufacturer of motor vehicle equipment, or motor vehicle dealer acting in that capacity; or

(b) Manufacturer, distributor, importer, or dealer of any power generation or storage equipment, or equipment for fueling or charging motor vehicles."

Representatives Corry and Reeves spoke in favor of the adoption of the amendment.

Amendment (176) was adopted.

Representative Volz moved the adoption of amendment (229):

On page 9, after line 5, insert the following:

"(3) An independent repair provider may not conduct repairs on digital electronic equipment owned by a public school, as defined in RCW 28A.150.010, if such a repair would void the original manufacturer's warranty."

Representatives Volz and Corry spoke in favor of the adoption of the amendment.

Representative Reeves spoke against the adoption of the amendment.

Amendment (229) was not adopted.

Representative McClintock moved the adoption of amendment (225):

On page 9, after line 15, insert the following:

"**NEW SECTION. Sec. 8.** The department of licensing shall make recommendations to the legislature on a licensure program for independent repair providers that provide diagnosis, maintenance, and repair services for digital electronic equipment. The department of licensing shall submit a report to the legislature in accordance with RCW 43.01.036 on its recommendations by October 31, 2023. The report must address the following:

(1) A minimum of 25 hours of training per type of digital electronic equipment in a manner specified by the original manufacturer of the digital electronic equipment;

(2) Cybersecurity training requirements;

(3) Recommended training opportunities with the state's community and technical colleges;

(4) Commercial insurance requirements that include coverage for breach of a customer's personal data; and

(5) Continuing education requirements that include courses or training in cybersecurity and how to protect a customer's personal health data, financial data, and electronic images stored on digital electronic equipment."

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

On page 9, line 18, after "through" strike "8" and insert "9"

On page 9, after line 19, insert the following:

"**NEW SECTION. Sec. 11.** This act shall take effect after the legislature adopts a licensure program for independent repair providers based on recommendations provided by the department of licensing under section 8 of this act."

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

Correct the title.

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

Representative Walen spoke against the adoption of the amendment.

Amendment (225) was not adopted.

Representative Corry moved the adoption of amendment (234):

On page 6, beginning on line 25, strike all of subsection (4)

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

Representative Gregerson spoke against the adoption of the amendment.

Amendment (234) was not adopted.

The bill was ordered engrossed.

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

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

Representatives Walsh, Cheney, Stokesbary and Corry spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1392.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1392, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chambers, Chopp, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Kretz, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bronoske, Caldier, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Leavitt, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Eslick and Hansen

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1392, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1217, by Representatives Ortiz-Self, Fosse, Berry, Reed, Simmons, Gregerson, Ramel, Macri and Pollet**

**Concerning wage complaints.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1217 was substituted for House Bill No. 1217 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1217 was read the second time.

Representative Robertson moved the adoption of amendment (279):

On page 1, beginning on line 6, strike all of section 1

Renumber the remaining section consecutively.

On page 4, line 7, after "order;" strike "and"

On page 4, line 10, after "violations" insert "; and

(c) The appropriate time to impose interest on wages owed"

Correct the title.

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

Representative Ortiz-Self spoke against the adoption of the amendment.

Amendment (279) 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.

Representative Ortiz-Self spoke in favor of the passage of the bill.

Representative Abbarno spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1217.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1217, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Shavers, Springer, Steele, Stokesbary, Volz, Walen, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Eslick and Hansen

SUBSTITUTE HOUSE BILL NO. 1217, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1717, by Representatives Rule, Corry, Paul, Stonier, Chapman, Duerr and Timmons**

**Supporting innovation at associate development organizations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1717 was substituted for House Bill No. 1717 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1717 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 Rule, Barnard, Volz, Waters, Corry and Reeves spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1717.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1717, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Dent, McEntire, Robertson, Schmick, Stokesbary and Walsh

Excused: Representatives Eslick and Hansen

SUBSTITUTE HOUSE BILL NO. 1717, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**HOUSE BILL NO. 1155, by Representatives Slatter, Street, Reed, Ryu, Berg, Alvarado, Taylor, Bateman, Ramel, Senn, Goodman, Fitzgibbon, Macri, Simmons, Reeves, Lekanoff, Orwall, Duerr, Thai, Gregerson, Wylie, Ortiz-Self, Stonier, Pollet, Riccelli, Donaghy, Fosse and Ormsby**

**Addressing the collection, sharing, and selling of consumer health data.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1155 was substituted for House Bill No. 1155 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1155 was read the second time.

With the consent of the House, amendments (040), (045), (077), (096), (097), (109), (136), (138) and (179) were withdrawn.

Representative Low moved the adoption of amendment (145):

On page 2, beginning on line 33, after "generated" strike all material through "information" on page 3, line 5 and insert "by automatic measurements of an individual's biological characteristics, such as a fingerprint, voiceprint, eye retinas, irises, or other unique biological

patterns or characteristics that is used to identify a specific individual. "Biometric data" does not include a physical or digital photograph, video or audio recording or data generated therefrom, or information collected, used, or stored for health care treatment, payment, or operations under the federal health insurance portability and accountability act of 1996"

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

Representative Kloba spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (145) and the amendment was not adopted by the following vote: Yeas, 40; Nays, 56; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Excused: Representatives Eslick and Hansen

Amendment (145) was not adopted.

Representative Chambers moved the adoption of amendment (092):

On page 3, line 28, after "that" strike "identifies" and insert "a regulated entity uses to identify"

Representatives Chambers, Corry and Walsh spoke in favor of the adoption of the amendment.

Representative Simmons spoke against the adoption of the amendment.

Amendment (092) was not adopted.

Representative Chambers moved the adoption of amendment (093):

On page 4, line 5, after "(8)(a);" insert "or"

On page 4, beginning on line 8, after "supplies" strike all material through "learning)" on line 12

Representatives Chambers and Corry spoke in favor of the adoption of the amendment.

Representative Reed spoke against the adoption of the amendment.

Amendment (093) was not adopted.

Representative Corry moved the adoption of amendment (128):

On page 4, line 22, after "reidentification." insert ""Consumer health data" does not include personal information that is collected or generated by a device or by a product that is intended to contain or display the informational output from a device, as that term is defined in Section 321 of the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.)."

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

Representative Stonier spoke against the adoption of the amendment.

Amendment (128) was not adopted.

Representative Walsh moved the adoption of amendment (078):

On page 7, beginning on line 11, after "entity"" strike all material through "agency" on line 13 and insert "includes government agencies and tribal nations"

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

Representative Simmons spoke against the adoption of the amendment.

Amendment (078) was not adopted.

Representative Corry moved the adoption of amendment (159):

On page 8, line 4, after "the" strike "sharing" and insert "exchange"

On page 8, line 6, after "the" strike "sharing" and insert "exchange"

On page 8, line 13, after "such" strike "sharing" and insert "exchange"

Representatives Corry and Berg spoke in favor of the adoption of the amendment.

Amendment (159) was adopted.

Representative Cheney moved the adoption of amendment (154):

On page 9, line 34, after "purpose;" strike "or"

On page 9, line 37, after "entity" insert "; or

(c) For treatment, payment, and health care operations, as defined in 45 C.F.R. Sec. 164.501"

On page 10, line 3, after "data;" strike "or"

On page 10, line 6, after "entity" insert "; or

(c) For treatment, payment, and health care operations, as defined in 45 C.F.R. Sec. 164.501"



On page 16, line 6, after "164.512;" strike "or"

On page 16, after line 8, after "RCW" insert "; or

"(e) A regulated entity that is governed by or able to show compliance with the privacy, security, and data breach notification rules of the federal health insurance portability and accountability act, 45 C.F.R. Part 160 and 45 C.F.R. Part 164"

Representatives Cheney and Corry spoke in favor of the adoption of the amendment.

Representative Reeves spoke against the adoption of the amendment.

Amendment (154) was not adopted.

Representative McEntire moved the adoption of amendment (137):

On page 13, line 10, after "regulated entity" insert "with regard to such data"

On page 13, line 11, after "chapter" insert "with regard to such data"

Representatives McEntire and Berg spoke in favor of the adoption of the amendment.

Amendment (137) was adopted.

Representative Slatter moved the adoption of amendment (102):

On page 14, beginning on line 21, after "geofence" strike all material through "in-person" on line 23 and insert "around an entity that provides in-person health care services where such geofence is used to: (1) Identify or track consumers seeking health care services; (2) collect consumer health data from consumers; or (3) send notifications, messages, or advertisements to consumers related to their consumer health data or"

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

Amendment (102) was adopted.

Representative Walen moved the adoption of amendment (168):

On page 14, line 24, after "**Sec. 11.**" strike "The" and insert "(1) For actions brought by the attorney general to enforce this chapter, the"

On page 14, after line 31, insert the following:

"(2) Any consumer injured by a violation of this chapter may bring an action under chapter 19.86 RCW, but must establish all required elements of an action under chapter 19.86 RCW before relief may be granted."

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

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (168) and the amendment was adopted by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Barkis, Barnard, Bateman, Berg, Bergquist, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Fey, Fitzgibbon, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Lekanoff, Low, Maycumber, McClintock, McEntire, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reeves, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Ybarra and Mme. Speaker

Voting Nay: Representatives Alvarado, Berry, Chopp, Farivar, Fosse, Kloba, Macri, Mena, Ormsby, Ramos, Reed, Riccelli, Simmons, Thai and Wylie

Excused: Representatives Eslick and Hansen

Amendment (168) was adopted.

Representative Corry moved the adoption of amendment (129):

On page 14, line 24, after "**Sec. 11.**" insert "(1) This chapter may be enforced solely by the attorney general under the consumer protection act, chapter 19.86 RCW.

(2) (a) "

On page 14, after line 31, insert the following:

"(b) The legislative declarations in this subsection do not apply to any claim or action by any party other than the attorney general alleging that conduct regulated by this chapter violates chapter 19.86 RCW, and this chapter does not incorporate RCW 19.86.093.

(3) A violation of this chapter may not serve as the basis for, or be subject to, a private right of action under this chapter or under any other law.

(4) Prior to commencing an enforcement action for a violation of this chapter, if the attorney general determines that it is possible to cure the violation, the attorney general must issue a notice of the violation to the regulated entity or processor. If, at least 60 days after issuing the notice, the attorney general believes the regulated entity or processor has failed to cure the violation, the attorney general may bring an action against the regulated entity or processor as provided in this chapter."

Representatives Corry, Stokesbary, Cheney and Walsh spoke in favor of the adoption of the amendment.

Representatives Simmons and Slatter spoke against the adoption of the amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (129) and the amendment was not adopted by the following vote: Yeas, 42; Nays, 54; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry,

Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Springer, Steele, Stokesbary, Timmons, Volz, Walen, Walsh, Waters, Wilcox and Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Wylie and Mme. Speaker

Excused: Representatives Eslick and Hansen

Amendment (129) was not adopted.

Representative Corry moved the adoption of amendment (135):

On page 9, at the beginning of line 2, strike "consumer health data"

On page 9, at the beginning of line 16, strike all material through "homepage" and insert "privacy policy on its homepage or in another manner that is clear and conspicuous to consumers"

On page 9, beginning on line 18, after "the" strike all material through "data" on line 19

On page 9, beginning on line 23, after "the" strike all material through "data" on line 24

On page 9, line 29, after "entity's" strike "consumer health data"

Representatives Corry and Chambers spoke in favor of the adoption of the amendment.

Representative Wylie spoke against the adoption of the amendment.

Amendment (135) was not adopted.

Representative Walsh moved the adoption of amendment (076):

On page 14, beginning on line 20, strike all of section 10

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

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

Representative Taylor spoke against the adoption of the amendment.

Amendment (076) was not adopted.

Representative Walsh moved the adoption of amendment (075):

On page 14, beginning on line 24, strike all of section 11

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

With the consent of the House, amendment (075) was withdrawn.

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 Slatter, Kloba and Thai spoke in favor of the passage of the bill.

Representatives Walsh, Cheney, Corry and Chambers 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. 1155.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1155, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Eslick and Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1155, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1645, by Representatives Barnard, Duerr, Connors, Riccelli, Cheney, Hutchins, McClintock, Chambers, McEntire, Sandlin, Eslick, Low, Street, Maycumber, Fitzgibbon, Macri, Reed, Rude, Lekanoff and Ramel**

### Concerning meetings of county legislative authorities.

The bill was read the second time.

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

Representatives Barnard and Stonier spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1645.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1645, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner,

Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representatives Eslick and Hansen

HOUSE BILL NO. 1645, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1032, by Representatives Dent, Chapman, Ryu, Reed, Graham, Ramel, Pollet, Griffey, Reeves, Tharinger, Wylie, Springer, Kloba and Donaghy**

**Mitigating the risk of wildfires through electric utility planning and identification of best management practices appropriate to each electric utility's circumstances.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1032 was substituted for House Bill No. 1032 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1032 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 and Chapman spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1032.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1032, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representatives Eslick and Hansen

SECOND SUBSTITUTE HOUSE BILL NO. 1032, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Orwall to preside.

**HOUSE BILL NO. 1357, by Representatives Simmons, Schmick, Stonier, Cortes, Reed, Bateman, Harris, Alvarado, Pollet and Caldier**

**Modernizing the prior authorization process.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1357 was substituted for House Bill No. 1357 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1357 was read the second time.

Representative Simmons moved the adoption of the striking amendment (266):

Strike everything after the enacting clause and insert the following:

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

(1) Each carrier offering a health plan issued or renewed on or after January 1, 2024, shall comply with the following standards related to prior authorization for health care services and prescription drugs:

(a) The carrier shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through an electronic prior authorization process, as designated by each carrier:

(i) For electronic standard prior authorization requests, the carrier shall make a decision and notify the provider or facility of the results of the decision within three calendar days, excluding holidays, of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the carrier to make a decision, the carrier shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(ii) For electronic expedited prior authorization requests, the carrier shall make a decision and notify the provider or facility of the results of the decision within one calendar day of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the carrier to make a decision, the carrier shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(b) The carrier shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through a process other than an electronic prior authorization process:

(i) For nonelectronic standard prior authorization requests, the carrier shall make a decision and notify the provider or facility of the results of the decision within five calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information

has been provided to the carrier to make a decision, the carrier shall request any additional information from the provider or facility within five calendar days of submission of the nonelectronic prior authorization request.

(ii) For nonelectronic expedited prior authorization requests, the carrier shall make a decision and notify the provider or facility of the results of the decision within two calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the carrier to make a decision, the carrier shall request any additional information from the provider or facility within one calendar day of submission of the nonelectronic prior authorization request.

(c) In any instance in which a carrier has determined that a provider or facility has not provided sufficient information for making a determination under (a) and (b) of this subsection, a carrier may establish a specific reasonable time frame for submission of the additional information. This time frame must be communicated to the provider or enrollee with a carrier's request for additional information.

(d) The carrier's prior authorization requirements must be described in detail and written in easily understandable language. The carrier shall make its most current prior authorization requirements and restrictions, including the written clinical review criteria, available to providers and facilities in an electronic format upon request. The prior authorization requirements must be based on peer-reviewed clinical review criteria. The clinical review criteria must be evidence-based criteria and must accommodate new and emerging information related to the appropriateness of clinical criteria with respect to black and indigenous people, other people of color, gender, and underserved populations. The clinical review criteria must be evaluated and updated, if necessary, at least annually.

(2)(a) Each carrier shall build and maintain a prior authorization application programming interface that automates the process for in-network providers to determine whether a prior authorization is required, identify prior authorization information and documentation requirements, and facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system. The application programming interface must:

(i) Use fast health care interoperability resources;

(ii) Automate the process to determine whether a prior authorization is required for durable medical equipment, a health care service, or a prescription drug;

(iii) Allow providers to query the carrier's prior authorization documentation requirements;

(iv) Support an automated approach using nonproprietary open workflows to compile and exchange the necessary data elements to populate the prior authorization

requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services; and

(v) Indicate that a prior authorization denial or authorization of a service less intensive than that included in the original request is an adverse benefit determination and is subject to the carrier's grievance and appeal process under RCW 48.43.535.

(b)(i) Beginning January 1, 2025, the application programming interface must support the exchange of prior authorization requests and determinations for health care services.

(ii) Beginning January 1, 2027, the application programming interface must support the exchange of prior authorization requests and determinations for prescription drugs, including information on covered alternative prescription drugs in the event of denials.

(c) If federal rules related to standards for using an application programming interface to communicate prior authorization status to providers are not finalized by the federal centers for medicare and medicaid services by September 13, 2023, the requirements of (b)(i) of this subsection may not be enforced until January 1, 2026.

(d)(i) If a carrier determines that it will not be able to satisfy the requirements of (a) of this subsection by January 1, 2025, the carrier shall submit a narrative justification to the commissioner describing:

(A) The reasons that the carrier cannot reasonably satisfy the requirements;

(B) The impact of noncompliance upon providers and enrollees;

(C) The current or proposed means of providing health information to the providers; and

(D) A timeline and implementation plan to achieve compliance with the requirements.

(ii) The commissioner may grant a one-year delay in enforcement of the requirements of (a) of this subsection (2) if the commissioner determines that the carrier has made a good faith effort to comply with the requirements.

(iii) This subsection (2)(d) shall not apply if the delay in enforcement in (c) of this subsection takes effect because the federal centers for medicare and medicaid services did not finalize the applicable regulations by September 13, 2023.

(3) Nothing in this section applies to prior authorization determinations made pursuant to RCW 48.43.761.

(4) For the purposes of this section:

(a) "Expedited prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where:

(i) The passage of time:

(A) Could seriously jeopardize the life or health of the enrollee;

(B) Could seriously jeopardize the enrollee's ability to regain maximum function; or

(C) In the opinion of a provider or facility with knowledge of the enrollee's medical condition, would subject the enrollee to severe pain that cannot be

adequately managed without the health care service or prescription drug that is the subject of the request; or

(ii) The enrollee is undergoing a current course of treatment using a nonformulary drug.

(b) "Standard prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where the request is made in advance of the enrollee obtaining a health care service or prescription drug that is not required to be expedited.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1) A health plan offered to public employees, retirees, and their covered dependents under this chapter issued or renewed on or after January 1, 2024, shall comply with the following standards related to prior authorization for health care services and prescription drugs:

(a) The health plan shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through an electronic prior authorization process:

(i) For electronic standard prior authorization requests, the health plan shall make a decision and notify the provider or facility of the results of the decision within three calendar days, excluding holidays, of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the health plan to make a decision, the health plan shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(ii) For electronic expedited prior authorization requests, the health plan shall make a decision and notify the provider or facility of the results of the decision within one calendar day of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the health plan to make a decision, the health plan shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(b) The health plan shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through a process other than an electronic prior authorization process described in subsection (2) of this section:

(i) For nonelectronic standard prior authorization requests, the health plan shall make a decision and notify the

provider or facility of the results of the decision within five calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the health plan to make a decision, the health plan shall request any additional information from the provider or facility within five calendar days of submission of the nonelectronic prior authorization request.

(ii) For nonelectronic expedited prior authorization requests, the health plan shall make a decision and notify the provider or facility of the results of the decision within two calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the health plan to make a decision, the health plan shall request any additional information from the provider or facility within one calendar day of submission of the nonelectronic prior authorization request.

(c) In any instance in which the health plan has determined that a provider or facility has not provided sufficient information for making a determination under (a) and (b) of this subsection, the health plan may establish a specific reasonable time frame for submission of the additional information. This time frame must be communicated to the provider or enrollee with the health plan's request for additional information.

(d) The prior authorization requirements of the health plan must be described in detail and written in easily understandable language. The health plan shall make its most current prior authorization requirements and restrictions, including the written clinical review criteria, available to providers and facilities in an electronic format upon request. The prior authorization requirements must be based on peer-reviewed clinical review criteria. The clinical review criteria must be evidence-based criteria and must accommodate new and emerging information related to the appropriateness of clinical criteria with respect to black and indigenous people, other people of color, gender, and underserved populations. The clinical review criteria must be evaluated and updated, if necessary, at least annually.

(2) (a) Each health plan offered to public employees, retirees, and their covered dependents under this chapter shall build and maintain a prior authorization application programming interface that automates the process for in-network providers to determine whether a prior authorization is required, identify prior authorization information and documentation requirements, and facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system. The application programming interface must:

(i) Use fast health care interoperability resources;

(ii) Automate the process to determine whether a prior authorization is required for durable medical equipment, a health care service, or a prescription drug;

(iii) Allow providers to query the health plan's prior authorization documentation requirements;

(iv) Support an automated approach using nonproprietary open workflows to compile and exchange the necessary data elements to populate the prior authorization requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services; and

(v) Indicate that a prior authorization denial or authorization of a service less intensive than that included in the original request is an adverse benefit determination and is subject to the health plan's grievance and appeal process under RCW 48.43.535.

(b)(i) Beginning January 1, 2025, the application programming interface must support the exchange of prior authorization requests and determinations for health care services.

(ii) Beginning January 1, 2027, the application programming interface must support the exchange of prior authorization requests and determinations for prescription drugs, including information on covered alternative prescription drugs in the event of denials.

(c) If federal rules related to standards for using an application programming interface to communicate prior authorization status to providers are not finalized by the federal centers for medicare and medicaid services by September 13, 2023, the requirements of (b)(i) of this subsection may not be enforced until January 1, 2026.

(d)(i) If the health plan determines that it will not be able to satisfy the requirements of (a) of this subsection by January 1, 2025, the health plan shall submit a narrative justification to the authority describing:

(A) The reasons that the health plan cannot reasonably satisfy the requirements;

(B) The impact of noncompliance upon providers and enrollees;

(C) The current or proposed means of providing health information to the providers; and

(D) A timeline and implementation plan to achieve compliance with the requirements.

(ii) The authority may grant a one-year delay in enforcement of the requirements of (a) of this subsection (2) if the authority determines that the health plan has made a good faith effort to comply with the requirements.

(iii) This subsection (2)(d) shall not apply if the delay in enforcement in (c) of this subsection takes effect because the federal centers for medicare and medicaid services did not finalize the applicable regulations by September 13, 2023.

(3) Nothing in this section applies to prior authorization determinations made pursuant to RCW 41.05.526.

(4) For the purposes of this section:

(a) "Expedited prior authorization request" means a request by a provider or

facility for approval of a health care service or prescription drug where:

(i) The passage of time:

(A) Could seriously jeopardize the life or health of the enrollee;

(B) Could seriously jeopardize the enrollee's ability to regain maximum function; or

(C) In the opinion of a provider or facility with knowledge of the enrollee's medical condition, would subject the enrollee to severe pain that cannot be adequately managed without the health care service or prescription drug that is the subject of the request; or

(ii) The enrollee is undergoing a current course of treatment using a nonformulary drug.

(b) "Standard prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where the request is made in advance of the enrollee obtaining a health care service that is not required to be expedited.

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

(1) Beginning January 1, 2024, the authority shall require each managed care organization to comply with the following standards related to prior authorization for health care services and prescription drugs:

(a) The managed care organization shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through an electronic prior authorization process, as designated by each managed care organization:

(i) For electronic standard prior authorization requests, the managed care organization shall make a decision and notify the provider or facility of the results of the decision within three calendar days, excluding holidays, of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the managed care organization to make a decision, the managed care organization shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(ii) For electronic expedited prior authorization requests, the managed care organization shall make a decision and notify the provider or facility of the results of the decision within one calendar day of submission of an electronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the managed care organization to make a decision, the managed care organization shall request any additional information from the provider or facility within one calendar day of submission of the electronic prior authorization request.

(b) The managed care organization shall meet the following time frames for prior authorization determinations and notifications to a participating provider or facility that submits the prior authorization request through a process other than an electronic prior authorization process described in subsection (2) of this section:

(i) For nonelectronic standard prior authorization requests, the managed care organization shall make a decision and notify the provider or facility of the results of the decision within five calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the managed care organization to make a decision, the managed care organization shall request any additional information from the provider or facility within five calendar days of submission of the nonelectronic prior authorization request.

(ii) For nonelectronic expedited prior authorization requests, the managed care organization shall make a decision and notify the provider or facility of the results of the decision within two calendar days of submission of a nonelectronic prior authorization request by the provider or facility that contains the necessary information to make a determination. If insufficient information has been provided to the managed care organization to make a decision, the managed care organization shall request any additional information from the provider or facility within one calendar day of submission of the nonelectronic prior authorization request.

(c) In any instance in which a managed care organization has determined that a provider or facility has not provided sufficient information for making a determination under (a) and (b) of this subsection, a managed care organization may establish a specific reasonable time frame for submission of the additional information. This time frame must be communicated to the provider or enrollee with a managed care organization's request for additional information.

(d) The prior authorization requirements of the managed care organization must be described in detail and written in easily understandable language. The managed care organization shall make its most current prior authorization requirements and restrictions, including the written clinical review criteria, available to providers and facilities in an electronic format upon request. The prior authorization requirements must be based on peer-reviewed clinical review criteria. The clinical review criteria must be evidence-based criteria and must accommodate new and emerging information related to the appropriateness of clinical criteria with respect to black and indigenous people, other people of color, gender, and underserved populations. The clinical review criteria must be evaluated and updated, if necessary, at least annually.

(2)(a) Each managed care organization shall build and maintain a prior

authorization application programming interface that automates the process for in-network providers to determine whether a prior authorization is required, identify prior authorization information and documentation requirements, and facilitate the exchange of prior authorization requests and determinations from its electronic health records or practice management system. The application programming interface must:

(i) Use fast health care interoperability resources;

(ii) Automate the process to determine whether a prior authorization is required for durable medical equipment, a health care service, or a prescription drug;

(iii) Allow providers to query the managed care organization's prior authorization documentation requirements;

(iv) Support an automated approach using nonproprietary open workflows to compile and exchange the necessary data elements to populate the prior authorization requirements that are compliant with the federal health insurance portability and accountability act of 1996 or have an exception from the federal centers for medicare and medicaid services; and

(v) Indicate that a prior authorization denial or authorization of a service less intensive than that included in the original request is an adverse benefit determination and is subject to the managed care organization's grievance and appeal process under RCW 48.43.535.

(b)(i) Beginning January 1, 2025, the application programming interface must support the exchange of prior authorization requests and determinations for health care services.

(ii) Beginning January 1, 2027, the application programming interface must support the exchange of prior authorization requests and determinations for prescription drugs, including information on covered alternative prescription drugs in the event of denials.

(c) If federal rules related to standards for using an application programming interface to communicate prior authorization status to providers are not finalized by September 13, 2023, the requirements of (b) (i) of this subsection may not be enforced until January 1, 2026.

(d)(i) If a managed care organization determines that it will not be able to satisfy the requirements of (a) of this subsection by January 1, 2025, the managed care organization shall submit a narrative justification to the authority describing:

(A) The reasons that the managed care organization cannot reasonably satisfy the requirements;

(B) The impact of noncompliance upon providers and enrollees;

(C) The current or proposed means of providing health information to the providers; and

(D) A timeline and implementation plan to achieve compliance with the requirements.

(ii) The authority may grant a one-year delay in enforcement of the requirements of (a) of this subsection (2) if the authority determines that the managed care

organization has made a good faith effort to comply with the requirements.

(iii) This subsection (2)(d) shall not apply if the delay in enforcement in (c) of this subsection takes effect because the federal centers for medicare and medicaid services did not finalize the applicable regulations by September 13, 2023.

(3) Nothing in this section applies to prior authorization determinations made pursuant to RCW 71.24.618.

(4) For the purposes of this section:

(a) "Expedited prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where:

(i) The passage of time:

(A) Could seriously jeopardize the life or health of the enrollee;

(B) Could seriously jeopardize the enrollee's ability to regain maximum function; or

(C) In the opinion of a provider or facility with knowledge of the enrollee's medical condition, would subject the enrollee to severe pain that cannot be adequately managed without the health care service or prescription drug that is the subject of the request; or

(ii) The enrollee is undergoing a current course of treatment using a nonformulary drug.

(b) "Standard prior authorization request" means a request by a provider or facility for approval of a health care service or prescription drug where the request is made in advance of the enrollee obtaining a health care service or prescription drug that is not required to be expedited.

**Sec. 4.** RCW 48.43.0161 and 2020 c 316 s 1 are each amended to read as follows:

(1) ~~((Except as provided in subsection (2) of this section, by))~~ By October 1, 2020, and annually thereafter, for individual and group health plans issued by a carrier that has written at least one percent of the total accident and health insurance premiums written by all companies authorized to offer accident and health insurance in Washington in the most recently available year, the carrier shall report to the commissioner the following aggregated and deidentified data related to the carrier's prior authorization practices and experience for the prior plan year:

(a) Lists of the ~~((ten))~~10 inpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total

number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(b) Lists of the ~~((ten))~~10 outpatient medical or surgical codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(c) Lists of the ~~((ten))~~10 inpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; ~~((and))~~and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(d) Lists of the ~~((ten))~~10 outpatient mental health and substance use disorder service codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; ~~((and))~~and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved;

(e) Lists of the ~~((ten))~~10 durable medical equipment codes:

(i) With the highest total number of prior authorization requests during the



previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; ~~((and))~~ and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(f) Lists of the ~~((ten))~~ 10 diabetes supplies and equipment codes:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each code and the percent of approved requests for each code; ~~((and))~~ and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each code and the percent of requests that were initially denied and then subsequently approved for each code;

(g) Lists of the 10 prescription drugs:

(i) With the highest total number of prior authorization requests during the previous plan year, including the total number of prior authorization requests for each prescription drug and the percent of approved requests for each prescription drug;

(ii) With the highest percentage of approved prior authorization requests during the previous plan year, including the total number of prior authorization requests for each prescription drug and the percent of approved requests for each prescription drug; and

(iii) With the highest percentage of prior authorization requests that were initially denied and then subsequently approved on appeal, including the total number of prior authorization requests for each prescription drug and the percent of requests that were initially denied and then subsequently approved for each prescription drug; and

(h) The average determination response time in hours for prior authorization requests to the carrier with respect to each code reported under (a) through (f) of this subsection for each of the following categories of prior authorization:

- (i) Expedited decisions;
- (ii) Standard decisions; and
- (iii) Extenuating circumstances decisions.

(2) ~~((For the October 1, 2020, reporting deadline, a carrier is not required to~~

~~report data pursuant to subsection (1) (a) (iii), (b) (iii), (c) (iii), (d) (iii), (e) (iii), or (f) (iii) of this section until April 1, 2021, if the commissioner determines that doing so constitutes a hardship-~~

~~(3))~~ By January 1, 2021, and annually thereafter, the commissioner shall aggregate and deidentify the data collected under subsection (1) of this section into a standard report and may not identify the name of the carrier that submitted the data. ~~((The initial report due on January 1, 2021, may omit data for which a hardship determination is made by the commissioner under subsection (2) of this section. Such data must be included in the report due on January 1, 2022.))~~ The commissioner must make the report available to interested parties.

~~((4))~~ (3) The commissioner may request additional information from carriers reporting data under this section.

~~((5))~~ (4) The commissioner may adopt rules to implement this section. In adopting rules, the commissioner must consult stakeholders including carriers, health care practitioners, health care facilities, and patients.

~~((6))~~ (5) For the purpose of this section, "prior authorization" means a mandatory process that a carrier or its designated or contracted representative requires a provider or facility to follow before a service is delivered, to determine if a service is a benefit and meets the requirements for medical necessity, clinical appropriateness, level of care, or effectiveness in relation to the applicable plan, including any term used by a carrier or its designated or contracted representative to describe this process.

NEW SECTION. Sec. 5. Section 4 of this act takes effect January 1, 2024.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

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

The striking amendment (266) 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 Simmons, Schmick, Connors, Abbarno, Sandlin, Walsh, Riccelli, Corry, Barnard and Low spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1357.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1357, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Hansen

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1357, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1746, by Representatives Ryu, Berry, Couture, Griffey, Thai, Reed, Gregerson, Sandlin, Tharinger, Walen, Paul, Kloba, Volz, Reeves, Rule and Ormsby**

**Concerning a state broadband map.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1746 was substituted for House Bill No. 1746 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1746 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 Ryu, Steele, Ybarra, Corry, Graham, Barkis, Sandlin, Low, Volz, Goehner, McEntire, Dent, Abbarno, Walsh, Orcutt and Kretz spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1746.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1746, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Dye

Excused: Representatives Eslick and Hansen

SECOND SUBSTITUTE HOUSE BILL NO. 1746, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1369, by Representatives Griffey, Bronoske, Riccelli, Maycumber, Couture, Abbarno, Volz, Barkis, Christian and Leavitt**

**Concerning off-duty employment of fish and wildlife officers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1369 was substituted for House Bill No. 1369 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1369 was read the second time.

Representative Stearns moved the adoption of amendment (313):

On page 1, line 14, after "property." insert "For any employment authorized under this section that occurs on reservation, trust, or allotted lands of a federally-recognized Indian tribe, a Washington fish and wildlife officer must have taken the violence de-escalation and mental health training provided by the criminal justice training commission, including the curriculum of the history of police interactions with Native American communities."

Representatives Stearns and Griffey spoke in favor of the adoption of the amendment.

Amendment (313) 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 Griffey and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1369.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1369, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1369, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1122, by Representatives Doglio, Berry, Reed, Ramel, Simmons, Reeves, Lekanoff, Bergquist, Kloba, Pollet, Donaghy, Fosse and Ormsby**

**Granting Washington management service employees the right to collectively bargain.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1122 was substituted for House Bill No. 1122 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1122 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 Doglio and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1122.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1122, and the bill passed the House by the following vote: Yeas, 88; Nays, 8; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Corry, Dye, Jacobsen, Klicker, McEntire, Orcutt, Schmick and Walsh

Excused: Representatives Eslick and Hansen

SECOND SUBSTITUTE HOUSE BILL NO. 1122, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Substitute House Bill No. 1122.

Representative McClintock, 18th District

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Substitute House Bill No. 1122.

Representative Mosbrucker, 14th District

#### SECOND READING

**HOUSE BILL NO. 1707, by Representatives Kloba, Reed and Eslick**

**Concerning bingo conducted by bona fide charitable or nonprofit organizations.**

The bill was read the second time.

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

Representatives Kloba, Chambers, Barkis and Peterson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1707.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1707, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Hansen

HOUSE BILL NO. 1707, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1274, by Representatives Couture, Lekanoff, Eslick, Waters, Walsh, Griffey, Low, Hutchins, Dent, Taylor, Barnard, Connors, Rude, Sandlin, Slatter, Stonier, Harris, Reeves, Abbarno, Robertson, Senn, Davis, Gregerson, Christian, Schmidt, Orwall, Ramel and Pollet**

**Creating a child malnutrition field guide for the department of children, youth, and families.**

The bill was read the second time.

Representative Rule moved the adoption of amendment (212):

On page 1, line 11, after "concise" insert ", but provide references to additional comprehensive and trauma-informed resources for department staff to access if needed"

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

Amendment (212) 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 Couture, Senn and Stonier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1274.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1274, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Hansen

ENGROSSED HOUSE BILL NO. 1274, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

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

### SECOND READING

**HOUSE BILL NO. 1579, by Representatives Stonier, Bateman, Lekanoff, Reed, Pollet and Macri**

**Establishing a mechanism for independent prosecutions within the office of the attorney general of criminal conduct arising from police use of force.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1579 was substituted for House Bill No. 1579 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1579 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 Stonier spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1579.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1579, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena,

Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bronoske, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Eslick and Hansen

SECOND SUBSTITUTE HOUSE BILL NO. 1579, having received the necessary constitutional majority, was declared passed.

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

### MOTIONS

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

HOUSE BILL NO. 1143  
HOUSE BILL NO. 1240  
HOUSE BILL NO. 1252  
HOUSE BILL NO. 1265  
HOUSE BILL NO. 1317  
HOUSE BILL NO. 1364  
HOUSE BILL NO. 1378  
HOUSE BILL NO. 1427  
HOUSE BILL NO. 1518  
HOUSE BILL NO. 1527  
HOUSE BILL NO. 1530  
HOUSE BILL NO. 1578  
HOUSE BILL NO. 1636  
HOUSE BILL NO. 1639  
HOUSE BILL NO. 1663  
HOUSE BILL NO. 1709  
HOUSE BILL NO. 1745

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the suspension calendar:

HOUSE BILL NO. 1714

The Speaker assumed the chair.

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

### SECOND READING

**HOUSE BILL NO. 1301, by Representatives McClintock and Cheney**

**Creating license review and reporting requirements.**

The bill was read the second time.

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

Representatives McClintock and Paul spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1301.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1301, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Hansen

HOUSE BILL NO. 1301, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Cheney congratulated Representative McClintock on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

**SECOND READING**

**HOUSE BILL NO. 1421, by Representatives Chambers, Rule, Jacobsen, Dent, Taylor, Barkis, Christian, Springer, Lekanoff, Berg, Schmick, Klicker, Goehner, Eslick and Robertson**

**Adding counties to the voluntary stewardship program.**

The bill was read the second time.

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

Representatives Chambers and Duerr spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1421.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1421, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Bronoske and Leavitt

Excused: Representatives Eslick and Hansen

HOUSE BILL NO. 1421, having received the necessary constitutional majority, was declared passed.

**MOTION**

On motion of Representative Griffey, Representative McEntire was excused.

**RECONSIDERATION**

There being no objection, the House immediately reconsidered the vote by which HOUSE BILL NO. 1421 passed the House.

The Speaker stated the question before the House to be the final passage of House Bill No. 1421, on reconsideration.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1421, and the bill passed the House by the following vote: Yeas, 92; Nays, 3; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Bronoske, Fey and Leavitt

Excused: Representatives Eslick, Hansen and McEntire

HOUSE BILL NO. 1421, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1514, by Representatives Robertson, Berry, Schmidt, Ormsby, Doglio, Reed and Fosse**

**Addressing the purchase and distribution of insignia to manufacturers of recreational vehicles and/or park trailers.**

The bill was read the second time.

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

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

The Speaker stated the question before the House to be the final passage of House Bill No. 1514.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1514, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick, Hansen and McEntire

HOUSE BILL NO. 1514, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1048, by Representatives Mena, Simmons, Goodman, Berry, Ramel, Peterson, Pollet, Doglio, Macri, Morgan, Wylie, Gregerson, Bergquist, Street, Cortes, Santos, Ormsby and Farivar**

**Enhancing the Washington voting rights act.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1048 was substituted for House Bill No. 1048 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1048 was read the second time.

With the consent of the House, amendment (274) was withdrawn.

Representative Stokesbary moved the adoption of amendment (305):

On page 2, line 18, after "choices" insert ", and as it is further defined in case law regarding enforcement of the federal voting rights act, 52 U.S.C. 10301 et seq"

On page 2, beginning on line 25, after "difference" strike all material through "seq.,)" on line 26 and insert ", as defined in case law regarding enforcement of the federal voting rights act, 52 U.S.C. 10301 et seq.,"

Representatives Stokesbary and Stokesbary (again) spoke in favor of the adoption of the amendment.

Representative Reed spoke against the adoption of the amendment.

Amendment (305) was not adopted.

Representative Stokesbary moved the adoption of amendment (304):

On page 5, after line 33, insert the following:

"(3) Nothing in this section shall be interpreted to relieve a party of the requirement to establish standing as provided in Washington case law when commencing an action under this title."

Representatives Stokesbary and Ramos spoke in favor of the adoption of the amendment.

Amendment (304) was adopted.

Representative Sandlin moved the adoption of amendment (300):

On page 10, line 13, after "action" insert ". The total amount of fees and costs awarded under this subsection may not exceed \$50,000"

Representatives Sandlin and Abbarno spoke in favor of the adoption of the amendment.

Representative Mena spoke against the adoption of the amendment.

Amendment (300) was not adopted.

Representative Walsh moved the adoption of amendment (273):

On page 3, beginning on line 39, after "(5)" strike all material through "(6)" on page 4, line 4

On page 4, at the beginning of line 7, strike "((+6)) (7)" and insert "(6)"

On page 4, beginning on line 18, strike all of subsection (8)

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

Representative Ramos spoke against the adoption of the amendment.

Amendment (273) was not adopted.

Representative Abbarno moved the adoption of amendment (272):

On page 8, beginning on line 13, strike all of subsection (5)

On page 9, beginning on line 29, strike all of subsection (4)

On page 10, beginning on line 13, after "action." strike all material through "filed.)" on line 14 and insert "No fees or costs may be awarded if no action is filed."

On page 10, beginning on line 15, after "(2)" strike all material through "(3)" on line 23

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

Representative Mena spoke against the adoption of the amendment.

Amendment (272) was not adopted.

Representative Corry moved the adoption of amendment (310):

On page 11, line 11, after "may" strike "reasonably"

On page 11, line 16, after "order" strike "a reasonable" and insert "an"

On page 11, after line 20, insert the following:

"(3) Unless otherwise authorized by law, the number of elected commissioners may not be increased to more than five."

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

Representative Mena spoke against the adoption of the amendment.

Amendment (310) was not adopted.

Representative Corry moved the adoption of amendment (311):

On page 11, after line 20, insert the following:

"(3) Districts created under this section must be as nearly as possible equal in population."

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

With the consent of the House, amendment (311) was withdrawn.

Representative Stokesbary moved the adoption of amendment (296):

On page 3, beginning on line 22, after "class." strike all material through "subdivision." on line 25

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

Representative Ramos spoke against the adoption of the amendment.

Amendment (296) was not adopted.

Representative Walsh moved the adoption of amendment (275):

On page 10, beginning on line 15, after "(2)" strike all material through "(3)" on line 23

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

Representative Alvarado spoke against the adoption of the amendment.

Amendment (275) was not adopted.

The bill was ordered engrossed.

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

Representatives Mena and Ybarra spoke in favor of the passage of the bill.

Representatives Abbarno and Stokesbary 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. 1048.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1048, and the bill passed the House by the following vote: Yeas, 57; Nays, 38; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock,

Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters and Wilcox  
Excused: Representatives Eslick, Hansen and McEntire

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1048, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1117, by Representatives Mosbrucker, Dye, Leavitt, Schmidt, Christian and Walsh**

**Addressing the extent to which Washington residents are at risk of rolling blackouts and power supply inadequacy events.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1117 was substituted for House Bill No. 1117 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1117 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 Mosbrucker and Doglio spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1117.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1117, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick, Hansen and McEntire

SUBSTITUTE HOUSE BILL NO. 1117, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1167, by Representatives Duerr, Low, Walen, Reed, Bateman, Ramel, Fitzgibbon, Taylor, Macri, Gregerson, Wylie, Pollet, Kloba and Tharinger**

**Concerning residential housing regulations.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1167 was substituted for House Bill No. 1167 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1167 was read the second time.

Representative Duerr moved the adoption of the striking amendment (216):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 36.70A RCW to read as follows:

(1) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the adoption of preapproved accessory dwelling unit plans.

(2) When a preapproved plan is submitted to a county or city during the process of seeking permit approval for the development of an accessory dwelling unit, the county's or city's review of the preapproved plan may not be more than administrative.

(3) For the purpose of this section, "preapproved accessory dwelling unit plans" means a selection of architectural plans for accessory dwelling units that have been reviewed by county or city code officials and approved for compliance with applicable building codes within the county or city.

**NEW SECTION. Sec. 2.** A new section is added to chapter 19.27 RCW to read as follows:

(1)(a) The state building code council shall convene a work group for the purpose of simplifying the production of middle housing by recommending a mechanism in the international residential code that adopts by reference the provisions for multiplex housing in the international building code. The mechanism must include those sections from the international building code necessary to ensure public health, safety, and general welfare in multiplex housing, and may not reduce any requirements for multiplex housing contained in the international building code.

(b) The work group shall provide its recommendations to the council in time for the council to adopt or amend rules or codes as necessary for implementation in the 2024 international residential code. The council shall take action to adopt additions and amendments to rules or codes as necessary to apply the new reference mechanism in the international residential code to multiplex housing by July 1, 2026.

(c) For purposes of this subsection, "multiplex housing" means a building with at least three but no more than six dwelling units in a single structure with common walls and floors and a functional primary street entrance, with no more than three stories above grade plane.

(2)(a) The state building code council shall convene a work group for the purpose of recommending modifications and limitations to the international building code that would allow a single exit stairway to serve multifamily residential structures up to six stories above grade plane. The recommendations must include considerations for water supply, the presence of a professional fire department, and any other provisions necessary to ensure public health, safety, and general welfare.

(b) The work group shall provide its recommendations to the council in time for the council to adopt or amend rules or codes as necessary for implementation in the 2024

international building code. The council shall take action to adopt additions and amendments to rules or codes as necessary by July 1, 2026.

**NEW SECTION. Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Cities planning under RCW 36.70A.040 must adopt or amend by ordinance and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (3) of this section, to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130, within urban growth areas designated according to RCW 36.70A.110.

(2) The requirements of subsection (3) of this section:

(a) Apply and take effect in any city that has not adopted or amended ordinances, regulations, or other official controls as required under this section; and

(b) Supersede, preempt, and invalidate any local development regulations that conflict with this section.

(3) Within residential zones that allow for middle housing, cities shall not require through development regulations any standards for middle housing that are more restrictive than those required for detached single-family residences, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW, electrical codes under chapter 19.28 RCW, or critical areas protection, but may apply any objective development regulations that are required for detached single-family residences, including setback and tree canopy and retention requirements.

(4) Beginning July 1, 2026, cities may not require more than a single stairway in residential buildings of six or fewer stories if the conditions in the international building code are met.

(5) For the purposes of this section:

(a) "Cottage housing" means residential units on a lot with a common open space that either: (i) Is owned in common; or (ii) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

(b) "Courtyard apartments" means up to four attached dwelling units arranged on two or three sides of a yard or court.

(c) "Middle housing" means buildings that are compatible in scale, form, and character with single-family homes and contain two or more attached, stacked, or clustered homes, duplexes, triplexes, fourplexes, fiveplexes, sixplexes, cottage housing, stacked flats, townhouses, or courtyard apartments.

(d) "Stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

(e) "Townhouses" means buildings that contain three or more attached single-family dwelling units that extend from foundation



to roof and that have a yard or public way on not less than two sides.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

All cities and counties may adopt development regulations that create a simple, low cost, expedited permit process for development of single-family, duplex, triplex, or accessory dwelling housing units with less than 1,801 square feet per unit for property situated within cities or urban growth areas in locations designated for residential housing. This process should make it easy for an applicant to submit and receive approval for all permits required to build housing units. The expedited process should lower costs and simplify the building of housing units tailored to be priced for extremely low-income, low-income, or moderate-income households.

**Sec. 5.** RCW 36.70B.020 and 1995 c 347 s 402 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Closed record appeal" means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

(2) "Local government" means a county, city, or town.

(3) "Open record hearing" means a hearing, conducted by a single hearing body or officer authorized by the local government to conduct such hearings, that creates the local government's record through testimony and submission of evidence and information, under procedures prescribed by the local government by ordinance or resolution. An open record hearing may be held prior to a local government's decision on a project permit to be known as an "open record predecision hearing." An open record hearing may be held on an appeal, to be known as an "open record appeal hearing," if no open record predecision hearing has been held on the project permit.

(4) "Project permit" or "project permit application" means any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

(5) "Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from

the public or other agencies on a proposed project permit prior to the local government's decision. A public meeting may include, but is not limited to, (~~a design review or~~) an architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the local government's project permit application file.

**Sec. 6.** RCW 36.70B.120 and 1995 c 347 s 416 are each amended to read as follows:

(1) Each local government planning under RCW 36.70A.040 shall establish a permit review process that provides for the integrated and consolidated review and decision on two or more project permits relating to a proposed project action, including a single application review and approval process covering all project permits requested by an applicant for all or part of a project action and a designated permit coordinator. If an applicant elects the consolidated permit review process, the determination of completeness, notice of application, and notice of final decision must include all project permits being reviewed through the consolidated permit review process.

(2) Consolidated permit review may provide different procedures for different categories of project permits, but if a project action requires project permits from more than one category, the local government shall provide for consolidated permit review with a single open record hearing and no more than one closed record appeal as provided in RCW 36.70B.060. Each local government shall determine which project permits are subject to an open record hearing and a closed record appeal. Examples of categories of project permits include but are not limited to:

(a) Proposals that are categorically exempt from chapter 43.21C RCW, such as construction permits, that do not require environmental review or public notice;

(b) Permits that require environmental review, but no open record predecision hearing; and

(c) Permits that require a threshold determination and an open record predecision hearing and may provide for a closed record appeal to a hearing body or officer or to the local government legislative body.

(3) A local government may provide by ordinance or resolution for the same or a different decision maker or hearing body or officer for different categories of project permits. In the case of consolidated project permit review, the local government shall specify which decision makers shall make the decision or recommendation, conduct the hearing, or decide the appeal to ensure that consolidated permit review occurs as provided in this section. The consolidated permit review may combine an open record predecision hearing on one or more permits with an open record appeal hearing on other permits. In such cases, the local government

by ordinance or resolution shall specify which project permits, if any, shall be subject to a closed record appeal.

(4) (a) When reviewing a housing development permit application, a local government planning under RCW 36.70A.040 may only require administrative design review to determine compliance with any applicable design standards.

(b) For the purposes of this subsection (4):

(i) "Administrative design review" means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director's designee based solely on objective design and development standards without a public meeting or hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance.

(ii) "Housing development" means a proposed or existing structure that is used as a home, residence, or place to sleep by one or more persons including, but not limited to, single-family residences, manufactured homes, multifamily housing, group homes, and foster care facilities.

(5) A local government planning under RCW 36.70A.040 must comply with the requirements of subsection (4) of this section beginning six months after its next periodic comprehensive plan update required under RCW 36.70A.130.

NEW SECTION. Sec. 7. The office of regulatory innovation and assistance shall contract with a qualified external consultant or entity to develop a standard plan set demonstrating a prescriptive compliance pathway that will meet or exceed all energy code regulations for residential housing in the state subject to the international residential code. The standard plan set may be used, but is not required, by local governments and building industries. In developing the standard plan set, the consultant shall, at a minimum, seek feedback from cities, counties, building industries, and building officials. The standard plan set must be completed by June 30, 2024.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Duerr and Low spoke in favor of the adoption of the striking amendment.

The striking amendment (216) 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 Duerr and Low spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1167.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1167, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Gohner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick, Hansen and McEntire

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1167, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1189, by Representatives Hackney, Reed, Simmons, Wylie, Santos and Ormsby**

**Concerning the release of incarcerated individuals from total confinement prior to the expiration of a sentence.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1189 was substituted for House Bill No. 1189 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1189 was read the second time.

Representative Corry moved the adoption of amendment (287):

On page 7, line 21, after "may" strike "(grant an extraordinary release for)" commute an individual's sentence:" and insert "grant an extraordinary release (~~for~~):"

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

Amendment (287) was adopted.

Representative Harris moved the adoption of amendment (285):

On page 9, line 5, after "diversity." insert "In addition, the board members must be qualified by education, training, experience, or credentials in the administration of community corrections, pardons, criminal justice, criminology, evaluating or supervising offenders, or providing mental health services to offenders."

On page 9, line 5, after "of" insert "at least seven"

On page 9, line 14, after "judge;" strike "and"

On page 9, line 15, after "(f)" insert "A representative of a statewide organization representing criminal defense attorneys;

(g) A law enforcement professional;

(h) A representative of a statewide organization representing prosecuting attorneys; and

(i)"

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

Representative Simmons spoke against the adoption of the amendment.

Amendment (285) was not adopted.

Representative Low moved the adoption of amendment (283):

On page 10, line 21, after "(2)" insert "Under no circumstances may the clemency and pardons board consider a petition from an individual who is serving a sentence for a conviction for a serious violent offense or aggravated first degree murder.

(3)"

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

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

Representative Hackney spoke against the adoption of the amendment.

Amendment (283) was not adopted.

Representative Barnard moved the adoption of amendment (286):

On page 11, after line 27, insert the following:

"(d) The board shall provide written notification to any victims, survivors of victims, or witnesses who participate in the hearing or provide written testimony about the department of correction's victim notification program and the victim information and notification everyday service administered by the Washington association of sheriffs and police chiefs."

Representatives Barnard, Goodman and Simmons spoke in favor of the adoption of the amendment.

Amendment (286) was adopted.

Representative Griffey moved the adoption of amendment (284):

On page 12, line 37, after "any;" strike "and"

On page 12, line 38, after "(m)" insert "Statements of correctional staff, program supervisors, and volunteer facilitators regarding the incarcerated individual. Such

statements shall be voluntary and withheld as confidential. The board shall not publicly identify the names, content, or statement in the hearing or its written decision;

(n)"

Representatives Griffey and Simmons spoke in favor of the adoption of the amendment.

Amendment (284) was adopted.

Representative Graham moved the adoption of amendment (288):

On page 13, line 35, after "legislature," strike "as often as the governor may require it" and insert "at least annually"

On page 13, line 37, after "relevant." insert "The information must include the names of any offenders granted clemency or pardons in the previous calendar year, the crimes of which those offenders were convicted, and any known acts of recidivism during the preceding calendar year by any offender listed in any report submitted under this section."

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

Amendment (288) was adopted.

Representative Jacobsen moved the adoption of amendment (281):

On page 14, after line 4, insert the following:

**"NEW SECTION. Sec. 10. FOR THE CLEMENCY AND PARDONS BOARD**

General Fund--State Appropriation (FY 2023) . . . . . \$5,718,000

TOTAL APPROPRIATION . . . . . \$5,718,000

The appropriation in this section is subject to the following conditions and limitations: \$5,718,000 of the general fund--state appropriation for fiscal year 2023 is provided solely for the clemency and pardons board to provide grants to drug and alcohol rehabilitation programs, college and trade educational programs, diversity and equity programs, gang intervention, youth programs to prevent and reduce crime, DARE programs, or victim compensation and restitution."

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

Representative Hackney spoke against the adoption of the amendment.

Amendment (281) was not adopted.

The bill was ordered engrossed.

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

Representatives Hackney and Simmons spoke in favor of the passage of the bill.

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

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1189.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1189, and the bill passed the House by the following vote: Yeas, 53; Nays, 42; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Eslick, Hansen and McEntire

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1189, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1466, by Representatives Riccelli, Leavitt and Morgan

##### Concerning currently credentialed dental auxiliaries.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1466 was substituted for House Bill No. 1466 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1466 was read the second time.

Representative Riccelli moved the adoption of amendment (215):

On page 2, line 12, after "~~months~~)" strike "three" and insert "five"

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

Amendment (215) 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 Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1466.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1466, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick, Hansen and McEntire

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1466, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1576, by Representatives Caldier, Schmidt, Leavitt and Volz

##### Concerning the dentist and dental hygienist compact.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1576 was substituted for House Bill No. 1576 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1576 was read the second time.

Representative Caldier moved the adoption of amendment (085):

On page 2, line 29, after "Active" strike "duty military" and insert "military member"

On page 2, line 30, after "in the" strike "active uniformed service" and insert "armed forces"

On page 8, line 36, after "An" strike "active duty military individual" and insert "active military member"

On page 9, beginning on line 1, after "an" strike "active duty military individual" and insert "active military member"

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

Amendment (085) 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 Caldier and Leavitt spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1576.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1576, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Gochner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick, Hansen and McEntire

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1576, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1678, by Representatives Riccelli, Lekanoff, Stonier, Morgan, Bateman, Macri, Ormsby, Slatter, Entenman, Ramos, Peterson, Tharinger, Chopp, Ryu, Pollet, Davis, Harris, Taylor, Simmons, Kloba and Gregerson**

**Establishing and authorizing the profession of dental therapy.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1678 was substituted for House Bill No. 1678 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1678 was read the second time.

Representative Riccelli moved the adoption of the striking amendment (183):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that good oral health is an integral piece of overall health and well-being. Without treatment, dental disease compromises overall health and requires increasingly costly interventions. However, most dental disease can be prevented at little cost through routine dental care and disease prevention.

Dental-related issues are a leading reason that Washingtonians seek care in hospital emergency departments, which has become the source of care for many, especially uninsured and low-income populations.

It is the intent of the legislature to expand access to oral health care for all Washingtonians through an evidence-based mid-level dental provider called a dental therapist. Dental therapy is a strategy to address racial and ethnic disparities in health and rural health care access gaps. Dental therapists are also a strategy to increase workforce diversity in health care and expand career opportunities for existing members of the dental care workforce such as dental hygienists.

It is the legislature's intent that dental therapists will meet the needs of local communities as they work under the direction of a dentist licensed in accordance with state or federal law. The

legislature intends for dental therapists to be incorporated into the dental care workforce and used to effectively treat more patients.

It is the intent of the legislature to follow the national commission on dental accreditation's standards for dental therapy education. This will ensure that dental therapists are trained to the highest quality standards and provide state-to-state consistency. It is the intent of the legislature that incorporating the commission on dental accreditation's standards for dental therapy education will pave the way for Washington education institutions to become accredited programs and for students to qualify for financial aid.

It is also the intent of the legislature to provide an efficient and reasonable pathway, through a limited license, for federally certified dental health aide therapists or tribally licensed dental therapists to become a Washington state licensed dental therapist.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Close supervision of a dentist" means that a supervising dentist:

(a) Has personally examined and diagnosed the patient and has personally authorized the procedures to be performed;

(b) Is continuously on-site while the procedure in question is being performed; and

(c) Is capable of responding immediately in the event of an emergency.

(2) "Committee" means the dental hygiene examining committee established in chapter 18.29 RCW.

(3) "Dental therapist" means a person licensed to practice dental therapy under this chapter.

(4) "Dental therapy" means the services and procedures specified in section 6 of this act.

(5) "Dentist" means a person licensed to practice dentistry under chapter 18.32 RCW or exempt from such licensure pursuant to Title 25 U.S.C. Sec. 1621t of the Indian health care improvement act.

(6) "Denturist" means a person licensed to engage in the practice of denturism under chapter 18.30 RCW.

(7) "Department" means the department of health.

(8) "Off-site supervision" means supervision that does not require the dentist to be personally on-site when services are provided or to previously examine or diagnose the patient.

(9) "Practice plan contract" means a document that is signed by a dentist and a dental therapist and outlines the functions the dentist authorizes the dental therapist to perform and the level and type of dentist supervision that is required.

(10) "Secretary" means the secretary of health.

**NEW SECTION. Sec. 3.** No person may practice dental therapy or represent himself

or herself as a dental therapist without being licensed by the department under this chapter. Every person licensed to practice dental therapy in this state shall renew their license and comply with administrative procedures, administrative requirements, continuing education requirements, and fees provided in RCW 43.70.250 and 43.70.280. The department shall establish by rule mandatory continuing education requirements to be met by dental therapists applying for license renewal.

**NEW SECTION. Sec. 4.** (1) The department shall issue a license to practice as a dental therapist to any applicant who:

(a) Pays any applicable fees established by the secretary under RCW 43.70.110 and 43.70.250;

(b) Except as provided in subsection (2) of this section, successfully completes a dental therapist program that is accredited or has received initial accreditation by the American dental association's commission on dental accreditation;

(c) Passes an examination approved by the committee; and

(d) Submits, on forms provided by the secretary, the applicant's name, address, and other applicable information as determined by the secretary.

(2) Applicants who successfully completed a dental therapist program before September 30, 2022, that was not accredited by the American dental association's commission on dental accreditation but that the committee determines is substantially equivalent to an accredited education program meet the criteria described in subsection (1)(b) of this section if the applicant also, has proof of at least 400 preceptorship hours under the close supervision of a dentist.

(3) When considering and approving the exam under subsection (1)(c) of this section, the committee must consult with tribes that license dental health aide therapists and with dental therapy education programs located in this state.

(4) The secretary in consultation with the committee must establish by rule the procedures to implement this section.

**NEW SECTION. Sec. 5.** An applicant holding a valid license and currently engaged in practice in another state may be granted a license without examination required by this chapter, on the payment of any required fees, if the secretary determines that the other state's licensing standards are substantively equivalent to the standards in this state: PROVIDED, That the secretary may require the applicant to: (1) File with the secretary documentation certifying the applicant is licensed to practice in another state; and (2) provide information as the secretary deems necessary pertaining to the conditions and criteria of the uniform disciplinary act, chapter 18.130 RCW, and to demonstrate to the secretary a knowledge of Washington law pertaining to the practice of dental therapy.

**NEW SECTION. Sec. 6.** (1) Subject to the limitations in this section, a licensed

dental therapist may provide the following services and procedures under the supervision of a licensed dentist as provided under section 7 of this act and to the extent the supervising dentist authorizes the service or procedure to be provided by the dental therapist:

(a) Oral health instruction and disease prevention education, including nutritional counseling and dietary analysis;

(b) Comprehensive charting of the oral cavity;

(c) Making radiographs;

(d) Mechanical polishing;

(e) Prophylaxis;

(f) Periodontal scaling and root planing;

(g) Application of topical preventative or prophylactic agents, including fluoride and pit and fissure sealants;

(h) Pulp vitality testing;

(i) Application of desensitizing medication or resin;

(j) Fabrication of athletic mouth guards;

(k) Placement of temporary restorations;

(l) Fabrication of soft occlusal guards;

(m) Tissue conditioning and soft reline;

(n) Atraumatic restorative therapy and interim restorative therapy;

(o) Dressing changes;

(p) Administration of local anesthetic;

(q) Administration of nitrous oxide;

(r) Emergency palliative treatment of dental pain limited to the procedures in this section;

(s) The placement and removal of space maintainers;

(t) Cavity preparation;

(u) Restoration of primary and permanent teeth;

(v) Placement of temporary crowns;

(w) Preparation and placement of preformed crowns for patients 18 years of age or older;

(x) Indirect and direct pulp capping on primary and permanent teeth;

(y) Stabilization of reimplanted teeth;

(z) Extractions of primary teeth;

(aa) Suture removal;

(bb) Brush biopsies;

(cc) Minor adjustments and repairs on removable prostheses;

(dd) Recementing of permanent crowns;

(ee) Oral evaluation and assessment of dental disease and the formulation of an individualized treatment plan. When possible, a dental therapist must collaborate with the supervising dentist to formulate a patient's individualized treatment plan;

(ff) Identification of oral and systemic conditions requiring evaluation and treatment by a dentist, physician, or other health care provider, and management of referrals;

(gg) The supervision of expanded function dental auxiliaries and dental assistants. However, a dental therapist may supervise no more than a total of three expanded function dental auxiliaries and dental assistants at any one time in any one practice setting. A dental therapist may not supervise an expanded function dental auxiliary or dental assistant with respect to tasks that the dental therapist is not authorized to perform;

(hh) Nonsurgical extractions of erupted permanent teeth under limited conditions; and

(ii) The dispensation and oral administration of drugs pursuant to subsection (2) of this section.

(2)(a) A dental therapist may dispense and orally administer the following drugs within the parameters of the practice plan contract established in section 7 of this act: Nonnarcotic analgesics, anti-inflammatories, preventive agents, and antibiotics.

(b) The authority to dispense and orally administer drugs extends only to the drugs identified in this subsection and may be further limited by the practice plan contract.

(c) The authority to dispense includes the authority to dispense sample drugs within the categories established in this subsection if the dispensing is permitted under the practice plan contract.

(d) A dental therapist may not dispense or administer narcotic drugs as defined in chapter 69.50 RCW.

(e) A dental therapist does not have the authority to prescribe drugs.

(3) A dental therapist may only provide services and procedures in which they have been educated.

(4) A dental therapist may not provide any service or procedure that is not both authorized by this section and been authorized by the supervising dentist via inclusion in the dental therapist's practice plan contract.

**NEW SECTION. Sec. 7.**

(1) A dental therapist may only practice dental therapy under the supervision of a dentist and pursuant to a written practice plan contract with the supervising dentist. A dental therapist may not practice independently. In circumstances authorized by the supervising dentist in the written practice plan contract, a dental therapist may provide services under off-site supervision. The contract must, at a minimum, contain the following elements:

(a) The level of supervision required and circumstances when the prior knowledge and consent of the supervising dentist is required;

(b) Practice settings where services and procedures may be provided;

(c) Any limitations on the services or procedures the dental therapist may provide;

(d) Age and procedure-specific practice protocols, including case selection criteria, assessment guidelines, and imaging frequency;

(e) Procedures for creating and maintaining dental records for patients treated by the dental therapist;

(f) A plan to manage medical emergencies in each practice setting where the dental therapist provides care;

(g) A quality assurance plan for monitoring care provided by the dental therapist or, including patient care review, referral follow-up, and a quality assurance chart review;

(h) Protocols for administering and dispensing medications, including the

specific circumstances under which the medications may be dispensed and administered;

(i) Criteria relating to the provision of care to patients with specific medical conditions or complex medical histories, including requirements for consultation prior to the initiation of care; and

(j) Specific written protocols governing situations where the dental therapist encounters a patient requiring treatment that exceeds the dental therapist's scope of practice or capabilities and protocols for referral of patients requiring evaluation and treatment by dentists, denturists, physicians, advanced registered nurse practitioners, or other health care providers.

(2) The dental therapist shall accept responsibility for all services and procedures provided by the dental therapist or any auxiliary dental providers the dental therapist is supervising pursuant to the practice plan contract.

(3) A supervising dentist licensed under chapter 18.32 RCW who knowingly permits a dental therapist to provide a service or procedure that is not authorized in the practice plan contract, or any dental therapist who provides a service or procedure that is not authorized in the practice plan contract, commits unprofessional conduct for purposes of chapter 18.130 RCW.

(4) A dentist who enters into a written practice plan contract with a dental therapist shall:

(a) Directly provide or arrange for another dentist, denturist, or specialist to provide any necessary advanced procedures or services needed by the patient or any treatment that exceeds the dental therapist's scope of practice or capabilities;

(b) Ensure that he or she or another dentist is available to the dental therapist for timely communication during treatment if needed.

(5) A dental therapist shall perform only those services authorized by the supervising dentist and written practice plan contract and shall maintain an appropriate level of contact with the supervising dentist.

(6) A supervising dentist may supervise no more than a total of five dental therapists at any one time.

(7) Practice plan contracts must be signed and maintained by both the supervising dentist and the dental therapist.

(8) A dental therapist must submit a signed copy of the practice plan contract to the secretary at the time of licensure renewal. If the practice plan contract is revised in between license renewal, a signed copy of the revised practice plan contract must be submitted as soon as practicable after the revision is made.

**NEW SECTION. Sec. 8.** Nothing in this chapter prohibits or affects:

(1) The practice of dental therapy by an individual otherwise licensed under this title and performing services within his or her scope of practice;

(2) The practice of dental therapy in the discharge of official duties on behalf of the United States government including, but not limited to, the armed forces, coast guard, public health service, veterans' bureau, or bureau of Indian affairs;

(3) The practice of dental therapy pursuant to an education program described in section 4 of this act;

(4) The practice of dental therapy under the supervision of a dentist necessary to meet the clinical experience or preceptorship requirements of section 4 of this act; or

(5) The practice of federally certified dental health aide therapists or tribally licensed dental health aide therapists as authorized under chapter 70.350 RCW.

**NEW SECTION. Sec. 9.** (1) A dental therapist may practice only in federally qualified health centers, tribal federally qualified health centers, and federally qualified health center look-alikes.

(2) For purposes of this section, a "tribal federally qualified health center" means a tribal facility operating in accordance with Title XIX Sec. 1905(1)(2)(B) of the social security act and the Indian self-determination and education assistance act (P.L. 93-638) and that enrolls in Washington medicaid as a tribal federally qualified health center.

**NEW SECTION. Sec. 10.** The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses, unlicensed practice, and the discipline of persons licensed under this chapter. The dental quality assurance commission is the disciplining authority under this chapter.

**NEW SECTION. Sec. 11.** (1) The department shall issue a limited license to any applicant who, as determined by the secretary:

(a) Holds a valid license, certification, or recertification in another state, Canadian province, or has been certified or licensed by a federal or tribal governing board in the previous two years, that allows a substantially equivalent, but not the entire scope of practice in section 6 of this act;

(b) Is currently engaged in active practice in another state, Canadian province, or tribe;

(c) Files with the secretary documentation certifying that the applicant:

(i)(A) Has graduated from a dental therapy school accredited by the commission on dental accreditation; or

(B) Has graduated from a dental therapy education program before September 30, 2022, that the dental hygiene examining committee determines is substantially equivalent to an accredited education program; and

(ii) Is licensed or certified to practice in another state or Canadian province, or has been certified or licensed by a federal or tribal governing board in the previous two years;

(d) Provides such information as the secretary deems necessary pertaining to the

conditions and criteria of the uniform disciplinary act, chapter 18.130 RCW;

(e) Demonstrates to the secretary knowledge of Washington state law pertaining to the practice of dental therapy; and

(f) Pays any required fees.

(2) A person practicing with a limited license granted under this section has the authority to perform only those dental therapy procedures in section 6 of this act that he or she was licensed or certified to practice in their previous state, tribe, or Canadian province.

(3) Upon demonstration of competency in all procedures in section 6 of this act, the limited license holder may apply for licensure as a dental therapist under section 4 of this act.

(4) The department may adopt rules necessary to implement and administer this section.

**Sec. 12.** RCW 18.32.030 and 2017 c 5 s 5 are each amended to read as follows:

The following practices, acts, and operations are excepted from the operation of the provisions of this chapter:

(1) The rendering of dental relief in emergency cases in the practice of his or her profession by a physician or surgeon, licensed as such and registered under the laws of this state, unless the physician or surgeon undertakes to or does reproduce lost parts of the human teeth in the mouth or to restore or to replace in the human mouth lost or missing teeth;

(2) The practice of dentistry in the discharge of official duties by dentists in the United States federal services on federal reservations, including but not limited to the armed services, coast guard, public health service, veterans' bureau, or bureau of Indian affairs;

(3) Dental schools or colleges approved under RCW 18.32.040, and the practice of dentistry by students in accredited dental schools or colleges approved by the commission, when acting under the direction and supervision of Washington state-licensed dental school faculty;

(4) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians at meetings of the Washington state dental association, or component parts thereof, or at meetings sanctioned by them, or other groups approved by the commission;

(5) The use of roentgen and other rays for making radiographs or similar records of dental or oral tissues, under the supervision of a licensed dentist or physician;

(6) The making, repairing, altering, or supplying of artificial restorations, substitutions, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered, or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models, or impressions furnished by the dentist, and the prescriptions shall be retained and



filed for a period of not less than three years and shall be available to and subject to the examination of the secretary or the secretary's authorized representatives;

(7) The removal of deposits and stains from the surfaces of the teeth, the application of topical preventative or prophylactic agents, and the polishing and smoothing of restorations, when performed or prescribed by a dental hygienist licensed under the laws of this state;

(8) A qualified and licensed physician and surgeon or osteopathic physician and surgeon extracting teeth or performing oral surgery pursuant to the scope of practice under chapter 18.71 or 18.57 RCW;

(9) The performing of dental operations or services by registered dental assistants and licensed expanded function dental auxiliaries holding a credential issued under chapter 18.260 RCW when performed under the supervision of a licensed dentist, by dental therapists licensed under chapter 18.--- RCW (the new chapter created in section 22 of this act), or by other persons not licensed under this chapter if the person is licensed pursuant to chapter 18.29, 18.57, 18.71, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, each while acting within the scope of the person's permitted practice under the person's license: PROVIDED HOWEVER, That such persons shall in no event perform the following dental operations or services unless permitted to be performed by the person under this chapter or chapters 18.29, 18.57, 18.71, 18.79 as it applies to registered nurses and advanced registered nurse practitioners, and 18.260 RCW:

(a) Any removal of or addition to the hard or soft tissue of the oral cavity;

(b) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure;

(c) Any administration of general or injected local anaesthetic of any nature in connection with a dental operation, including intravenous sedation;

(d) Any oral prophylaxis;

(e) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis;

(10) The performing of dental services described in RCW 18.350.040 by dental anesthesia assistants certified under chapter 18.350 RCW when working under the supervision and direction of an oral and maxillofacial surgeon or dental anesthesiologist; and

(11) The performance of dental health aide therapist services to the extent authorized under chapter 70.350 RCW.

**Sec. 13.** RCW 18.32.0351 and 2022 c 240 s 1 are each amended to read as follows:

The Washington state dental quality assurance commission is established, consisting of ~~((seventeen))~~19 members each appointed by the governor to a four-year term. No member may serve more than two

consecutive full terms. Members of the commission hold office until their successors are appointed. All members shall be appointed to full four-year terms. Twelve members of the commission must be dentists, two members must be dental therapists licensed under chapter 18.--- RCW (the new chapter created in section 22 of this act), two members must be expanded function dental auxiliaries licensed under chapter 18.260 RCW, and three members must be public members.

**Sec. 14.** RCW 18.120.020 and 2020 c 80 s 22 are each amended to read as follows:

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

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dental anesthesia assistants under chapter 18.350 RCW; dispensing opticians under chapter 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ophthalmologists under chapter 18.55 RCW; osteopathic medicine and surgery under chapter 18.57 RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners licensed under chapter 18.89 RCW; veterinarians and veterinary technicians under chapter 18.92 RCW; massage

therapists under chapter 18.108 RCW; acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW; persons registered under chapter 18.19 RCW; persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; nursing assistants registered or certified under chapter 18.88A RCW; reflexologists certified under chapter 18.108 RCW; medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; ~~(and)~~ licensed behavior analysts, licensed assistant behavior analysts, and certified behavior technicians under chapter 18.380 RCW; and dental therapists licensed under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(9) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

**Sec. 15.** RCW 18.130.040 and 2022 c 217 s 5 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates— independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW;

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; and

(xxvii) Birth doulas certified under chapter 18.47 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, licenses issued under chapter 18.--- RCW (the new chapter created in section 22 of this act), and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 16.** RCW 18.260.010 and 2007 c 269 s 1 are each amended to read as follows:

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

(1) "Close supervision" means that a supervising dentist or supervising dental therapist whose patient is being treated has personally diagnosed the condition to be treated and has personally authorized the procedures to be performed. The supervising dentist or supervising dental therapist is continuously on-site and physically present in the treatment facility while the procedures are performed by the assistive personnel and capable of responding immediately in the event of an emergency. The term does not require a supervising dentist or supervising dental therapist to be physically present in the operatory.

(2) "Commission" means the Washington state dental quality assurance commission created in chapter 18.32 RCW.

(3) "Dental assistant" means a person who is registered by the commission to provide supportive services to a licensed dentist or a licensed dental therapist to the extent provided in this chapter and under the close supervision of a dentist or close supervision of a dental therapist.

(4) "Dental therapist" means an individual who holds a license to practice as a dental therapist under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(5) "Dentist" means an individual who holds a license to practice dentistry under chapter 18.32 RCW.

~~((+5))~~ (6) "Department" means the department of health.

~~((+6))~~ (7) "Expanded function dental auxiliary" means a person who is licensed by the commission to provide supportive services to a licensed dentist or dental therapist to the extent provided in this chapter and under the specified level of supervision of a dentist or dental therapist.

~~((+7))~~ (8) "General supervision" means that a supervising dentist or dental therapist has examined and diagnosed the patient and provided subsequent instructions to be performed by the assistive personnel, but does not require that the dentist or

dental therapist be physically present in the treatment facility.

~~((9))~~ (9) "Secretary" means the secretary of health.

~~((9))~~ (10) "Supervising dental therapist" means a dental therapist licensed under chapter 18.--- RCW (the new chapter created in section 22 of this act) who is responsible for providing the appropriate level of supervision for dental assistants and expanded function dental auxiliaries.

(11) "Supervising dentist" means a dentist licensed under chapter 18.32 RCW that is responsible for providing the appropriate level of supervision for dental assistants and expanded function dental auxiliaries.

**Sec. 17.** RCW 18.260.040 and 2015 c 120 s 3 are each amended to read as follows:

(1)(a) The commission shall adopt rules relating to the scope of dental assisting services related to patient care and laboratory duties that may be performed by dental assistants.

(b) In addition to the services and duties authorized by the rules adopted under (a) of this subsection, a dental assistant may apply topical anesthetic agents.

(c) All dental services performed by dental assistants under (a) or (b) of this subsection must be performed under the close supervision of a supervising dentist or supervising dental therapist as the dentist or dental therapist may allow.

(2) In addition to any other limitations established by the commission, dental assistants may not perform the following procedures:

(a) Any scaling procedure;

(b) Any oral prophylaxis, except coronal polishing;

(c) Administration of any general or local anesthetic, including intravenous sedation;

(d) Any removal of or addition to the hard or soft tissue of the oral cavity;

(e) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth, jaw, or adjacent structures; and

(f) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis, other than impressions allowed as a delegated duty for dental assistants pursuant to rules adopted by the commission.

(3) A dentist or dental therapist may not assign a dental assistant to perform duties until the dental assistant has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

**Sec. 18.** RCW 18.260.070 and 2007 c 269 s 6 are each amended to read as follows:

(1) The commission shall adopt rules relating to the scope of expanded function dental auxiliary services related to patient care and laboratory duties that may be performed by expanded function dental auxiliaries.

(2) The scope of expanded function dental auxiliary services that the commission identifies in subsection (1) of this section includes:

(a) In addition to the dental assisting services that a dental assistant may perform under the close supervision of a supervising dentist or supervising dental therapist, the performance of the following services under the general supervision of a supervising dentist or supervising dental therapist as the dentist or dental therapist may allow:

(i) Performing coronal polishing;

(ii) Giving fluoride treatments;

(iii) Applying sealants;

(iv) Placing dental x-ray film and exposing and developing the films;

(v) Giving patient oral health instruction; and

(b) Notwithstanding any prohibitions in RCW 18.260.040, the performance of the following services under the close supervision of a supervising dentist or supervising dental therapist as the dentist or dental therapist may allow:

(i) Placing and carving direct restorations; and

(ii) Taking final impressions.

(3) A dentist or dental therapist may not assign an expanded function dental auxiliary to perform services until the expanded function dental auxiliary has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

**Sec. 19.** RCW 18.260.080 and 2007 c 269 s 7 are each amended to read as follows:

A supervising dentist or supervising dental therapist is responsible for:

(1) Maintaining the appropriate level of supervision for dental assistants and expanded function dental auxiliaries; and

(2) Ensuring that the dental assistants and expanded function dental auxiliaries that the dentist or dental therapist supervises are able to competently perform the tasks that they are assigned.

**Sec. 20.** RCW 69.41.010 and 2020 c 80 s 40 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) "Commission" means the pharmacy quality assurance commission.

(3) "Community-based care settings" include: Community residential programs for persons with developmental disabilities, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and assisted living facilities licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

(4) "Deliver" or "delivery" means the actual, constructive, or attempted transfer

from one person to another of a legend drug, whether or not there is an agency relationship.

(5) "Department" means the department of health.

(6) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(7) "Dispenser" means a practitioner who dispenses.

(8) "Distribute" means to deliver other than by administering or dispensing a legend drug.

(9) "Distributor" means a person who distributes.

(10) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of human beings or animals; and

(d) Substances intended for use as a component of any article specified in (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

(11) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization transmitted verbally by telephone nor a facsimile manually signed by the practitioner.

(12) "In-home care settings" include an individual's place of temporary and permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings.

(13) "Legend drugs" means any drugs which are required by state law or regulation of the pharmacy quality assurance commission to be dispensed on prescription only or are restricted to use by practitioners only.

(14) "Legible prescription" means a prescription or medication order issued by a practitioner that is capable of being read and understood by the pharmacist filling the prescription or the nurse or other practitioner implementing the medication order. A prescription must be hand printed, typewritten, or electronically generated.

(15) "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based care setting or in-home care setting to facilitate the individual's self-administration of a legend drug or controlled substance. It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication

container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department. A nonpractitioner may help in the preparation of legend drugs or controlled substances for self-administration where a practitioner has determined and communicated orally or by written direction that such medication preparation assistance is necessary and appropriate. Medication assistance shall not include assistance with intravenous medications or injectable medications, except prefilled insulin syringes.

(16) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(17) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, an acupuncturist or acupuncture and Eastern medicine practitioner to the extent authorized under chapter 18.06 RCW and the rules adopted under RCW 18.06.010(1)(~~++~~)(m), a veterinarian under chapter 18.92 RCW, a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a physician assistant under chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a licensed athletic trainer to the extent authorized under chapter 18.250 RCW, a pharmacist under chapter 18.64 RCW, (~~or~~) when acting under the required supervision of a dentist licensed under chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW, or a licensed dental therapist to the extent authorized under chapter 18.--- RCW (the new chapter created in section 22 of this act);

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and

(c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery in any state, or province of Canada, which shares a common border with the state of Washington.

(18) "Secretary" means the secretary of health or the secretary's designee.

**Sec. 21.** RCW 43.70.442 and 2020 c 229 s 1 and 2020 c 80 s 30 are each reenacted and amended to read as follows:

(1)(a) Each of the following professionals certified or licensed under Title 18 RCW shall, at least once every six years, complete training in suicide assessment, treatment, and management that is approved, in rule, by the relevant disciplining authority:

(i) An adviser or counselor certified under chapter 18.19 RCW;

(ii) A substance use disorder professional licensed under chapter 18.205 RCW;

(iii) A marriage and family therapist licensed under chapter 18.225 RCW;

(iv) A mental health counselor licensed under chapter 18.225 RCW;

(v) An occupational therapy practitioner licensed under chapter 18.59 RCW;

(vi) A psychologist licensed under chapter 18.83 RCW;

(vii) An advanced social worker or independent clinical social worker licensed under chapter 18.225 RCW; and

(viii) A social worker associate—advanced or social worker associate— independent clinical licensed under chapter 18.225 RCW.

(b) The requirements in (a) of this subsection apply to a person holding a retired active license for one of the professions in (a) of this subsection.

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (1)(d) affects the validity of training completed prior to July 1, 2017.

(2)(a) Except as provided in (b) of this subsection:

(i) A professional listed in subsection (1)(a) of this section must complete the first training required by this section by the end of the first full continuing education reporting period after January 1, 2014, or during the first full continuing education reporting period after initial licensure or certification, whichever occurs later.

(ii) Beginning July 1, 2021, the second training for a psychologist, a marriage and family therapist, a mental health counselor, an advanced social worker, an independent clinical social worker, a social worker associate-advanced, or a social worker associate-independent clinical must be either: (A) An advanced training focused on suicide management, suicide care protocols, or effective treatments; or (B) a training in a treatment modality shown to be effective in working with people who are suicidal, including dialectical behavior therapy, collaborative assessment and management of suicide risk, or cognitive behavior therapy-suicide prevention. If a professional subject to the requirements of this subsection has already completed the professional's second training prior to July 1, 2021, the professional's next training must comply with this subsection. This subsection (2)(a)(ii) does not apply if the licensee demonstrates that the training required by this subsection (2)(a)(ii) is not reasonably available.

(b)(i) A professional listed in subsection (1)(a) of this section applying for initial licensure may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of the training required in subsection (1) of this section no more than six years prior to the application for initial licensure.

(ii) Beginning July 1, 2021, a psychologist, a marriage and family therapist, a mental health counselor, an advanced social worker, an independent clinical social worker, a social worker associate-advanced, or a social worker associate-independent clinical exempt from his or her first training under (b)(i) of this subsection must comply with the requirements of (a)(ii) of this subsection for his or her first training after initial licensure. If a professional subject to the requirements of this subsection has already completed the professional's first training after initial licensure, the professional's next training must comply with this subsection (2)(b)(ii). This subsection (2)(b)(ii) does not apply if the licensee demonstrates that the training required by this subsection (2)(b)(ii) is not reasonably available.

(3) The hours spent completing training in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education or continuing competency requirements for each profession.

(4)(a) A disciplining authority may, by rule, specify minimum training and experience that is sufficient to exempt an individual professional from the training requirements in subsections (1) and (5) of this section. Nothing in this subsection (4)(a) allows a disciplining authority to provide blanket exemptions to broad categories or specialties within a profession.

(b) A disciplining authority may exempt a professional from the training requirements of subsections (1) and (5) of this section if the professional has only brief or limited patient contact.

(5)(a) Each of the following professionals credentialed under Title 18 RCW shall complete a one-time training in suicide assessment, treatment, and management that is approved by the relevant disciplining authority:

(i) A chiropractor licensed under chapter 18.25 RCW;

(ii) A naturopath licensed under chapter 18.36A RCW;

(iii) A licensed practical nurse, registered nurse, or advanced registered nurse practitioner, other than a certified registered nurse anesthetist, licensed under chapter 18.79 RCW;

(iv) An osteopathic physician and surgeon licensed under chapter 18.57 RCW, other than a holder of a postgraduate osteopathic medicine and surgery license issued under RCW 18.57.035;

(v) A physical therapist or physical therapist assistant licensed under chapter 18.74 RCW;

(vi) A physician licensed under chapter 18.71 RCW, other than a resident holding a limited license issued under RCW 18.71.095(3);

(vii) A physician assistant licensed under chapter 18.71A RCW;

(viii) A pharmacist licensed under chapter 18.64 RCW;

(ix) A dentist licensed under chapter 18.32 RCW;

(x) A dental hygienist licensed under chapter 18.29 RCW;

(xi) An athletic trainer licensed under chapter 18.250 RCW;

(xii) An optometrist licensed under chapter 18.53 RCW;

(xiii) An acupuncture and Eastern medicine practitioner licensed under chapter 18.06 RCW; ~~(and)~~

(xiv) A dental therapist licensed under chapter 18.--- RCW (the new chapter created in section 22 of this act); and

(xv) A person holding a retired active license for one of the professions listed in (a)(i) through ~~((xiii))~~ (xiv) of this subsection.

(b)(i) A professional listed in (a)(i) through (vii) of this subsection or a person holding a retired active license for one of the professions listed in (a)(i) through (vii) of this subsection must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2016, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between June 12, 2014, and January 1, 2016, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(ii) A licensed pharmacist or a person holding a retired active pharmacist license must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2017, or during the first full continuing education reporting period after initial licensure, whichever is later.

(iii) A licensed dentist, a licensed dental hygienist, or a person holding a retired active license as a dentist shall complete the one-time training by the end of the full continuing education reporting period after August 1, 2020, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between July 23, 2017, and August 1, 2020, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iii), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(iv) A licensed optometrist or a licensed acupuncture and Eastern medicine practitioner, or a person holding a retired active license as an optometrist or an acupuncture and Eastern medicine practitioner, shall complete the one-time training by the end of the full continuing education reporting period after August 1, 2021, or during the first full continuing

education reporting period after initial licensure, whichever is later. Training completed between August 1, 2020, and August 1, 2021, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iv), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (5)(d) affects the validity of training completed prior to July 1, 2017.

(6)(a) The secretary and the disciplining authorities shall work collaboratively to develop a model list of training programs in suicide assessment, treatment, and management. Beginning July 1, 2021, for purposes of subsection (2)(a)(ii) of this section, the model list must include advanced training and training in treatment modalities shown to be effective in working with people who are suicidal.

(b) The secretary and the disciplining authorities shall update the list at least once every two years.

(c) By June 30, 2016, the department shall adopt rules establishing minimum standards for the training programs included on the model list. The minimum standards must require that six-hour trainings include content specific to veterans and the assessment of issues related to imminent harm via lethal means or self-injurious behaviors and that three-hour trainings for pharmacists or dentists include content related to the assessment of issues related to imminent harm via lethal means. When adopting the rules required under this subsection (6)(c), the department shall:

(i) Consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations; and

(ii) Consider standards related to the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(d) Beginning January 1, 2017:

(i) The model list must include only trainings that meet the minimum standards established in the rules adopted under (c) of this subsection and any three-hour trainings that met the requirements of this section on or before July 24, 2015;

(ii) The model list must include six-hour trainings in suicide assessment, treatment, and management, and three-hour trainings that include only screening and referral elements; and

(iii) A person or entity providing the training required in this section may

petition the department for inclusion on the model list. The department shall add the training to the list only if the department determines that the training meets the minimum standards established in the rules adopted under (c) of this subsection.

(e) By January 1, 2021, the department shall adopt minimum standards for advanced training and training in treatment modalities shown to be effective in working with people who are suicidal. Beginning July 1, 2021, all such training on the model list must meet the minimum standards. When adopting the minimum standards, the department must consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations.

(7) The department shall provide the health profession training standards created in this section to the professional educator standards board as a model in meeting the requirements of RCW 28A.410.226 and provide technical assistance, as requested, in the review and evaluation of educator training programs. The educator training programs approved by the professional educator standards board may be included in the department's model list.

(8) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under chapter 18.130 RCW.

(9) The secretary and the disciplining authorities affected by this section shall adopt any rules necessary to implement this section.

(10) For purposes of this section:

(a) "Disciplining authority" has the same meaning as in RCW 18.130.020.

(b) "Training in suicide assessment, treatment, and management" means empirically supported training approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management. However, the disciplining authority may approve training that includes only screening and referral elements if appropriate for the profession in question based on the profession's scope of practice. The board of occupational therapy may also approve training that includes only screening and referral elements if appropriate for occupational therapy practitioners based on practice setting.

(11) A state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(12) An employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 71.24 RCW is exempt from the requirements of this section if he or she receives a total of at least six

hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

NEW SECTION. **Sec. 22.** Sections 1 through 11 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. **Sec. 23.** The department of health shall adopt any rules necessary to implement this act.

NEW SECTION. **Sec. 24.** Sections 1 through 21 of this act take effect January 1, 2024."

On page 1, line 3 of the title, after "look-alikes;" strike the remainder of the title and insert "amending RCW 18.32.030, 18.32.0351, 18.120.020, 18.130.040, 18.260.010, 18.260.040, 18.260.070, 18.260.080, 69.41.010, and 69.41.030; reenacting and amending RCW 43.70.442; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date."

Representative Riccelli moved the adoption of amendment (247) to the striking amendment (183):

On page 2, beginning on line 18 of the striking amendment, after "(2)" strike all material through "18.29" on line 19 and insert "'Commission' means the dental quality assurance commission established in chapter 18.32"

On page 3, line 18 of the striking amendment, after "the" strike "committee" and insert "commission"

On page 3, line 25 of the striking amendment, after "the" strike "committee" and insert "commission"

On page 3, line 34 of the striking amendment, after "the" strike "committee" and insert "commission"

On page 9, line 8 of the striking amendment, after "dental" strike "hygiene examining committee" and insert "quality assurance commission"

On page 11, line 33 of the striking amendment, after "((seventeen))" strike "19" and insert "21"

On page 11, line 38 of the striking amendment, after "dentists," strike "two" and insert "four"

Representatives Riccelli and Caldier spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (247) to the striking amendment (183) was adopted.

Representative Walsh moved the adoption of amendment (328) to the striking amendment (183):



On page 3, line 7 of the striking amendment, after "43.70.280." insert "The licensing fees for dental therapists may not be subsidized by other health professions."

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

Amendment (328) to the striking amendment (183) was adopted.

Representative Hutchins moved the adoption of amendment (320) to the striking amendment (183):

On page 3, line 9 of the striking amendment, after "renewal." insert "A dental therapist must obtain liability insurance with coverage equivalent to that of the supervising dentist's liability insurance coverage."

Representatives Hutchins and Riccelli spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (320) to the striking amendment (183) was adopted.

Representative Caldier moved the adoption of amendment (318) to the striking amendment (183):

On page 3, line 18 of the striking amendment, after "(c)" insert "Completes a post-graduate clinical preceptorship of at least two thousand hours under the close supervision of a dentist;

(d) "

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

Representatives Caldier and Caldier (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Reed 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 41 - YEAS; 54 - NAYS.

Amendment (318) to the striking amendment (183) was not adopted.

Representative Caldier moved the adoption of amendment (316) to the striking amendment (183):

On page 5, line 20 of the striking amendment, after "auxiliaries" strike "and dental assistants" and insert ", dental assistants, and dental hygienists"

On page 5, line 22 of the striking amendment, after "auxiliaries" strike "and dental assistants" and insert ", dental assistants, and dental hygienists"

On page 5, beginning on line 24 of the striking amendment, after "auxiliary" strike "or dental assistant" and insert ", dental assistant, or dental hygienist"

On page 20, after line 17 of the striking amendment, insert the following:

"Sec. 20. RCW 18.29.050 and 2015 c 120 s 1 are each amended to read as follows:

Any person licensed as a dental hygienist in this state may remove deposits and stains from the surfaces of the teeth, may apply topical preventive or prophylactic agents, may polish and smooth restorations, may perform root planing and soft-tissue curettage, and may perform other dental operations and services delegated to them by a licensed dentist or dental therapist. Any person licensed as a dental hygienist in this state may apply topical anesthetic agents under the general supervision, as defined in RCW 18.260.010, of a dentist or a dental therapist: PROVIDED HOWEVER, That licensed dental hygienists shall in no event perform the following dental operations or services:

(1) Any surgical removal of tissue of the oral cavity;

(2) Any prescription of drugs or medications requiring the written order or prescription of a licensed dentist or physician, except that a hygienist may place antimicrobials pursuant to the order of a licensed dentist and under the dentist's or dental therapist's required supervision;

(3) Any diagnosis for treatment or treatment planning; or

(4) The taking of any impression of the teeth or jaw, or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis, except that a dental hygienist may take an impression for any purpose that is either allowed:

(a) For a dental assistant registered under chapter 18.260 RCW; or

(b) As a delegated duty for dental hygienists pursuant to rules adopted by the dental quality assurance commission.

Such licensed dental hygienists may perform dental operations and services only under the supervision of a licensed dentist or dental therapist, and under such supervision may be employed by hospitals, boards of education of public or private schools, county boards, boards of health, or public or charitable institutions, or in dental offices."

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

Correct the title.

Representatives Caldier and Riccelli spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (316) to the striking amendment (183) was adopted.

Representative Chambers moved the adoption of amendment (319) to the striking amendment (183):

On page 7, line 23 of the striking amendment, after "(b)" insert "Review the dental therapist's patient charts daily; and (c) "

Representatives Chambers and Caldier spoke in favor of the adoption of the amendment to the striking amendment.

Representative Riccelli 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 39 - YEAS; 56 - NAYS.

Amendment (319) to the striking amendment (183) was not adopted.

Representative Griffey moved the adoption of amendment (321) to the striking amendment (183):

On page 8, line 19 of the striking amendment, after "(2)" insert "A dental therapist may not practice in federally qualified health centers that employ an employee whose salary is greater than one million dollars per year as reported on the internal revenue service 990 form.

(3) "

With the consent of the House, amendment (321) was withdrawn.

Representative Stokesbary moved the adoption of amendment (326) to the striking amendment (183):

On page 8, line 19 of the striking amendment, after "(2)" insert "A dentist providing dental services at a federally qualified health center is not required to enter a practice plan contract and may not face retaliation or default on a loan repayment contract if the dentist refuses to enter into a practice plan contract or supervise a dental therapist.

(3) "

Representatives Stokesbary and Riccelli spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (326) to the striking amendment (183) was adopted.

Representative Schmick moved the adoption of amendment (329) to the striking amendment (183):

On page 9, line 28 of the striking amendment, after "(4)" insert "The term of a limited license issued under this section is the same as the term for an initial limited license issued under RCW 18.29.190.

(5) "

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

Amendment (329) to the striking amendment (183) was adopted.

Representative Harris moved the adoption of amendment (317) to the striking amendment (183):

On page 2, beginning on line 30 of the striking amendment, strike all of subsection (8)

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

On page 4, line 12 of the striking amendment, after "the" insert "close"

On page 6, line 12 of the striking amendment, after "the" insert "close"

On page 6, beginning on line 14 of the striking amendment, after "independently." strike all material through "supervision." on line 16

On page 6, beginning on line 18 of the striking amendment, after "(a)" strike all material through "(b)" on line 20

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

Representatives Harris, Caldier and Harris (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representative Riccelli 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 44 - YEAS; 51 - NAYS.

Amendment (317) to the striking amendment (183) was not adopted.

Representative Caldier moved the adoption of amendment (324) to the striking amendment (183):

On page 4, line 39 of the striking amendment, strike all of subsection (t)

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

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

Representative Bateman 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 42 - YEAS; 53 - NAYS.

Amendment (324) to the striking amendment (183) was not adopted.

Representative Caldier moved the adoption of amendment (327) to the striking amendment (183):

On page 5, beginning on line 3 of the striking amendment, strike all of subsection (w)

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

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

Representative Riccelli 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 42 - YEAS; 53 - NAYS.

Amendment (327) to the striking amendment (183) was not adopted.

Representative Caldier moved the adoption of amendment (323) to the striking amendment (183):

On page 5, line 8 of the striking amendment, strike all of subsection (z)

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

Representatives Caldier and Chambers 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.

Division was demanded and the demand was sustained. The Speaker divided the House. The result was 42 - YEAS; 53 - NAYS.

Amendment (323) to the striking amendment (183) was not adopted.

Representative Maycumber moved the adoption of amendment (325) to the striking amendment (183):

On page 5, beginning on line 13 of the striking amendment, strike all of subsection (ee)

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

Representatives Maycumber and Caldier spoke in favor of the adoption of the amendment to the striking amendment.

Representative Bateman 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 42 - YEAS; 53 - NAYS.

Amendment (325) to the striking amendment (183) was not adopted.

Representative Caldier moved the adoption of amendment (322) to the striking amendment (183):

On page 5, beginning on line 27 of the striking amendment, strike all of subsection (hh)

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

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

Representatives Riccelli and Orcutt 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 41 - YEAS; 54 - NAYS.

Amendment (322) to the striking amendment (183) was not adopted.

Representative Caldier moved the adoption of amendment (330) to the striking amendment (183):

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

"Sec. 1. RCW 70.350.020 and 2017 c 5 s 2 are each amended to read as follows:

(1) Dental health aide therapist services are authorized by this chapter under the following conditions:

(a) The person providing services is certified as a dental health aide therapist by:

(i) A federal community health aide program certification board; or

(ii) A federally recognized Indian tribe that has adopted certification standards that meet or exceed the requirements of a federal community health aide program certification board;

(b) All services are performed:

(i) In a practice setting (~~within the exterior boundaries of a tribal reservation and~~) operated by an Indian health program;

(ii) In accordance with the standards adopted by the certifying body in (a) of this subsection, including scope of practice, training, supervision, and continuing education;

(iii) Pursuant to any applicable written standing orders by a supervising dentist; and

(iv) On persons who are members of a federally recognized tribe or otherwise eligible for services under Indian health service criteria, pursuant to the Indian health care improvement act, 25 U.S.C. Sec. 1601 et seq.

(2) The performance of dental health aide therapist services is authorized for a person when working within the scope, supervision, and direction of a dental health aide therapy training program that is certified by an entity described in subsection (1) of this section.

(3) All services performed within the scope of subsection (1) or (2) of this section, including the employment or supervision of such services, are exempt from licensing requirements under chapters 18.29, 18.32, 18.260, and 18.350 RCW.

Correct the title."

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

Representative Riccelli 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 42 - YEAS; 53 - NAYS.

Amendment (330) to the striking amendment (183) was not adopted.

Representatives Riccelli and Caldier spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (183), 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 Riccelli and Stonier spoke in favor of the passage of the bill.

Representatives Caldier, Schmick, Orcutt and Chambers 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. 1678.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1678, and the bill passed the House by the following vote: Yeas, 53; Nays, 42; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bergquist, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Eslick, Hansen and McEntire

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1678, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1683, by Representatives Barnard, Macri, Harris, Walen, Caldier, Gregerson, Christian and Riccelli**

**Concerning health carriers offering dental only coverage.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1683 was substituted for House Bill No. 1683 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1683 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 Barnard and Riccelli spoke in favor of the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1683.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1683, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick, Hansen and McEntire

SUBSTITUTE HOUSE BILL NO. 1683, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 8:55 a.m., Monday, March 6, 2023, the 57th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY SEVENTH DAY

House Chamber, Olympia, Monday, March 6, 2023

The House was called to order at 8:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

## INTRODUCTION &amp; FIRST READING

SSB 5025 by Senate Committee on Ways & Means (originally sponsored by Dozier, Boehnke, Gildon, Padden, Wagoner and Wilson, J.)

AN ACT Relating to implementation of technology systems at the department of corrections; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

2SSB 5046 by Senate Committee on Ways & Means (originally sponsored by Saldaña, Nguyen, Trudeau, Wilson, C., Dhingra, Frame, Kuderer, Nobles, Pedersen and Valdez)

AN ACT Relating to postconviction access to counsel; amending RCW 2.70.020; creating new sections; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

ESSB 5124 by Senate Committee on Human Services (originally sponsored by Trudeau, Randall, Dhingra, Frame, Kauffman, Kuderer, Nguyen, Wellman and Wilson, C.)

AN ACT Relating to supporting guardianships and voluntary placement with nonrelative kin; and amending RCW 13.36.090, 74.13.062, and 74.13.031.

Referred to Committee on Human Services, Youth, & Early Learning.

2SSB 5128 by Senate Committee on Ways & Means (originally sponsored by Trudeau, Dhingra, Billig, Hasegawa, Hunt, Kuderer, Pedersen, Stanford, Valdez, Wellman and Wilson, C.)

AN ACT Relating to jury diversity; amending RCW 2.36.095 and 2.36.054; adding a new section to chapter 2.36 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

ESB 5130 by Senators Frame, Dhingra, Nobles, Pedersen, Randall and Wilson, C.

AN ACT Relating to assisted outpatient treatment; amending RCW 71.05.148, 71.05.365, 71.05.590, 71.05.590, 71.34.020, 71.34.020, 71.34.740, 71.34.740, 71.34.780, 71.34.780, and 71.34.815; amending 2021 c 264 s 29 (uncodified); providing an effective date; providing a contingent effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

SB 5131 by Senators Wilson, C., Frame, Hasegawa, Kuderer, Nguyen, Nobles, Saldaña and Stanford

AN ACT Relating to money received by the department of corrections on behalf of inmates from family or other outside sources for the purchase of commissary items; and amending RCW 72.09.480.

Referred to Committee on Community Safety, Justice, & Reentry.

ESSB 5143 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Torres, Dhingra, Rolfes, Saldaña, Shewmake and Warnick)

AN ACT Relating to changing the name of and adding a member to the commission on pesticide registration; and amending RCW 15.92.090, 15.92.095, 15.92.100, 15.92.105, and 15.92.110.

Referred to Committee on Agriculture and Natural Resources.

ESSB 5150 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Shewmake)

AN ACT Relating to the beef commission's levied assessment; and amending RCW 16.67.120.

Referred to Committee on Agriculture and Natural Resources.

E2SSB 5174 by Senate Committee on Ways & Means (originally sponsored by Wellman, Conway, Dhingra, Frame, Hunt, Kuderer, Lovelett, Rolfes, Valdez, Warnick and Wilson, C.)

AN ACT Relating to providing adequate and predictable student transportation; adding new sections to chapter 28A.160 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

ESSB 5197 by Senate Committee on Housing (originally sponsored by Kuderer, Saldaña, Frame, Nguyen, Nobles, Wellman and Wilson, C.)

AN ACT Relating to addressing landlord-tenant relations by providing technical changes to eviction notice forms and modifying certain eviction processes; amending RCW 59.18.410 and 59.18.057; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Housing.

E2SSB 5198 by Senate Committee on Ways & Means (originally sponsored by Frame, Kuderer, Hasegawa, Hunt, Keiser, Lovelett, Nobles, Valdez and Wilson, C.)

AN ACT Relating to the sale or lease of manufactured/mobile home communities and the property on which they sit; amending RCW 59.20.060, 59.20.073, 59.20.080, 59.20.300, and 59.20.305; reenacting and amending RCW 59.20.030; adding new sections to chapter 59.20 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Housing.

2SSB 5225 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Conway, Frame, Hasegawa, Hunt, Keiser, Lovelett, Nguyen, Salomon, Shewmake, Stanford and Valdez)

AN ACT Relating to increasing access to the working connections child care program; amending RCW 43.216.136 and 43.216.1368; reenacting and amending RCW 43.216.135; adding a new section to chapter 43.216 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services, Youth, & Early Learning.

E2SSB 5243 by Senate Committee on Ways & Means (originally sponsored by Wellman, Hunt, Kuderer, Nobles and Wilson, C.)

AN ACT Relating to high school and beyond planning; amending RCW 28A.230.090, 28A.230.215, 28A.230.091, 28A.230.310, 28A.230.320, 28A.300.900, and 28A.655.250; adding a new section to chapter 28A.230 RCW; creating a new section; repealing RCW 28A.655.270; and providing an expiration date.

Referred to Committee on Education.

ESSB 5301 by Senate Committee on Housing (originally sponsored by Mullet, Kuderer, Nguyen and Wilson, C.)

AN ACT Relating to housing programs administered by the department of commerce; amending RCW 43.185.010, 43.185.030, 43.185.070, 43.185.074, 43.185.080, 43.185A.010, 43.185A.020, 43.185A.060, 43.185A.070, 18.85.311, 31.04.025, 39.35D.080, 43.63A.680, 43.79.201, 43.185C.200, 43.185C.210, 47.12.063, 59.24.060, 82.14.400, and 82.45.100; reenacting and amending RCW 43.185.050 and 43.185B.020; adding new sections to chapter 43.185A RCW; adding a new section to chapter 42.56 RCW; adding a new section to chapter 43.185B RCW; recodifying RCW 43.185.010, 43.185.030, 43.185.050, 43.185.070, 43.185.074, 43.185.080, and 43.185.110; and repealing RCW 43.185.015, 43.185.020, 43.185.060, 43.185.076, 43.185.090, 43.185.100, 43.185.120, 43.185.130, 43.185.140, 43.185.910, 43.185A.030, 43.185A.050, 43.185A.080, 43.185A.090, 43.185A.100, 43.185A.110, 43.185A.120, and 43.185A.900.

Referred to Committee on Capital Budget.

ESB 5309 by Senators Lovelett, Rolfes, Hasegawa, Hunt, Keiser, Nguyen and Nobles

AN ACT Relating to eliminating the state public utility tax deduction for the instate portion of interstate transport of petroleum products and crude oil; amending RCW 82.16.050; and creating a new section.

Referred to Committee on Finance.

E2SSB 5311 by Senate Committee on Ways & Means (originally sponsored by Wellman, Braun, Dhingra, Hunt, Kuderer, Mullet, Nguyen, Nobles, Pedersen, Torres and Wilson, C.)

AN ACT Relating to special education funding formula; amending RCW 28A.150.390 and 28A.150.392; adding a new section to chapter 28A.310 RCW; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

E2SSB 5367 by Senate Committee on Ways & Means (originally sponsored by Robinson, Schoesler, Conway, Dozier, Keiser, Saldaña and Wellman)

AN ACT Relating to the regulation of products containing THC; amending RCW 15.140.020, 69.50.326, and 69.50.346; reenacting and amending RCW 69.50.101; adding a new section to chapter 69.50 RCW; adding a new section to chapter 69.07 RCW; and creating a new section.

Referred to Committee on Regulated Substances & Gaming.

SSB 5386 by Senate Committee on Housing (originally sponsored by Robinson, Kuderer, Saldaña and Wilson, C.)

AN ACT Relating to reducing administrative complexity by increasing transparency of revenue flows for activities funded by document recording fees; amending RCW 43.185C.010, 43.185C.045, 43.185C.070, 43.185C.080, 43.185C.185, 36.18.010, 84.36.560, and 84.36.675; reenacting and amending RCW 43.185C.060, 43.185C.190, and 59.18.030; adding a new section to chapter 36.22 RCW; repealing RCW 36.22.176, 36.22.178, 36.22.179, 36.22.1791, 43.185C.061, and 43.185C.215; and providing an expiration date.

Referred to Committee on Housing.

SSB 5398 by Senate Committee on Human Services (originally sponsored by MacEwen and Wilson, L.)

AN ACT Relating to domestic violence funding allocation; creating a new section; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

SB 5403 by Senators Schoesler, Wellman, Torres, Boehnke, Muzzall, Dozier, Kuderer, Randall, Wilson, C. and Wilson, L.

AN ACT Relating to establishing school district depreciation subfunds for the purposes of preventative maintenance; and amending RCW 28A.320.330.

Referred to Committee on Education.

E2SSB 5440 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Nguyen, Saldaña, Valdez, Van De Wege and Wilson, C.)

AN ACT Relating to providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders within the framework of the forensic mental health care system consistent with the requirements agreed to in the Trueblood settlement agreement; amending RCW 10.77.060, 10.77.068, 10.77.074, 10.77.084, 10.77.086, 10.77.088, and 10.77.092; reenacting and amending RCW 10.77.010; adding new sections to chapter 10.77 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

2SSB 5477 by Senate Committee on Ways & Means (originally sponsored by Torres, Trudeau, Braun, Muzzall, Billig, Boehnke, Conway, Dhingra, Frame, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Nguyen, Pedersen, Randall, Saldaña, Salomon, Shewmake, Van De Wege, Wagoner, Warnick and Wilson, C.)

AN ACT Relating to implementing the recommendations of the Washington state missing and murdered indigenous women and people task force; amending RCW 68.50.320; adding a new section to chapter 43.10 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

SB 5497 by Senators Wilson, L. and Rolfes

AN ACT Relating to medicaid expenditures; amending RCW 74.04.050; adding new sections to chapter 74.09 RCW; adding a new section to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

ESSB 5512 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Holy, Liias, Rivers, Salomon, Wilson, J., Schoesler, Torres, Wilson, L., MacEwen, Dozier, Wagoner, Warnick, Gildon, McCune, Short, King, Braun, Muzzall, Nguyen, Billig and Boehnke)

AN ACT Relating to adding financial transparency reporting requirements to the public four-year dashboard; and amending RCW 28B.77.090.

Referred to Committee on Postsecondary Education & Workforce.

ESSB 5515 by Senate Committee on Human Services (originally sponsored by Dhingra, Conway, Hunt, Kauffman, Kuderer, Lovelett, Nguyen, Nobles, Saldaña, Stanford, Valdez, Wellman and Wilson, C.)

AN ACT Relating to protecting children from child abuse and neglect; amending RCW 26.44.210 and 74.15.020; adding a new section to chapter 74.15 RCW; adding a new section to chapter 71.24 RCW; creating new sections; and providing effective dates.

Referred to Committee on Human Services, Youth, & Early Learning.

SSB 5593 by Senate Committee on Ways & Means (originally sponsored by Liias, Holy, Mullet, Lovick and Wilson, C.)

AN ACT Relating to improving equity in the transfer of student data between K-12 schools and institutions of higher education; adding a new section to chapter 28B.10 RCW; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

SSB 5626 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Liias, Warnick, Hunt, Nobles, Pedersen and Wilson, C.)

AN ACT Relating to expanding and enhancing media literacy and digital citizenship in K-12 education; amending RCW 28A.300.840; adding a new section to chapter 28A.300 RCW; and providing an expiration date.

Referred to Committee on Education.

SB 5632 by Senators Keiser, Cleveland, Conway, Hasegawa, Hunt, Kuderer, Lovelett, Stanford, Valdez and Wilson, C.

AN ACT Relating to protecting the health care of workers exercising their right to participate in a labor dispute; adding a new section to chapter 49.64 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

ESSB 5702 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Trudeau, Nobles, Dhingra, Hunt, Liias, Lovelett, Nguyen, Pedersen, Saldaña, Valdez and Wilson, C.)

AN ACT Relating to expanding the students experiencing homelessness and foster youth pilot program; and amending RCW 28B.50.916 and 28B.77.850.

Referred to Committee on Appropriations.

ESSB 5726 by Senate Committee on Labor & Commerce (originally sponsored by King)

AN ACT Relating to the prevailing wages on public works; amending RCW 39.12.015 and 39.12.030; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

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, with the exception of ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5174 which was referred to the Committee on Appropriations.

### JOINT SESSION

Pursuant to Senate Concurrent Resolution No. 8404, the House appeared at the doors of the Senate and requested admission to the Chamber. The Sergeant at Arms of the Senate, Mr. Andy Staubitz, and the Sergeant at Arms of the House, Mr. Johnny Alexander, escorted Speaker Pro Tempore Tina Orwall to a seat on the rostrum. The representatives were invited to seats within the Chamber.

The President of the Senate, Lieutenant Governor Heck, called the Joint Session to order. The Secretary called the roll of the House members. The Secretary called the roll of the Senate members. A quorum of the Legislature was present.

President Heck: "This Joint Session has been convened to receive remarks from His Excellency, Sauli Niinistö, President of the Republic of Finland.

The President introduced special guests in attendance: Chief Justice of the Washington State Supreme Court, Steven González; The Honorable Steve Hobbs, Secretary of State; The Honorable Mike Pellicciotti, State Treasurer; and The Honorable Mike Kreidler, Insurance Commissioner.

The Washington State Patrol Honor Guard presented the Colors. The Honor Guard was comprised of Lieutenant Matt Fehler, Sergeant James Maguire, Sergeant William Rutherford, Trooper Kyle Flaig, Trooper Dean Gallanger, and Trooper Michael Sessions.

The President led the Joint Session in the Pledge of Allegiance.

### APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a special committee consisting of Senators Liias and J. Wilson and Representatives Entenman and Harris to escort His Excellency Sauli Niinistö, President of Finland and His Excellency Jay Inslee, Governor of Washington to their seats of honor on the Senate rostrum.

Pastor Nina Tetri-Mustonen of the Finnish Lutheran Church in Seattle led the invocation.

The President welcomed and introduced His Excellency Mikko Hautala, Ambassador of the Republic of Finland to the United States of America and Ambassador Okko-Pekka Salmimies, Consul General of Finland in Los Angeles, who were seated at the rostrum.

The President introduced His Excellency, Sauli Niinistö, President of the Republic of Finland.

### ADDRESS BY PRESIDENT NIINISTÖ

President Niinistö: “Governor Inslee, President Heck, Members of the Washington State Legislature, Justices of the State Supreme Court, Dear Washingtonians,

It is a great pleasure and an honour for me to address this body. Finland and the United States share a strong and longstanding relationship. Geographically, we might be far apart, but our cultural and historical ties are close. And most importantly, we stand for the same values.

The current critical geopolitical situation has brought us closer together than ever before. We are now strengthening our ties in sectors such as defense, trade, technology and energy security. And soon we will be able to call each other Allies.

Ladies and Gentlemen, more than one year ago, Russia launched its brutal attack on Ukraine and brought full-scale war back on the European continent. The past year has seen horrors we did not expect to see in Europe in this day and age. Cities destroyed. Schools, homes and critical infrastructure demolished. Thousands of lives taken. Millions forced to leave their homes.

In his recent address in Warsaw, President Biden called Russia’s invasion a test for the ages. A test not just for Ukraine, but also for Europe, America, NATO and all democracies. Ukraine has faced that test with its head held high. The Ukrainians continue to fight for their freedom and for our common values with incredible strength and resilience.

The transatlantic community stands by Ukraine, strong and united. In senates and parliaments on both sides of the Atlantic, old policies have been reviewed and strong decisions have been made. Together we have provided Ukraine with great amounts of military aid, material support and humanitarian relief. We must continue to do so, until a just and sustainable peace is achieved.

For us Finns, Russia’s attack brought back echoes of our own history. It evoked our collective memory. Describing Finland’s battle against the Soviet Union in the Winter War, President Franklin D. Roosevelt wrote: “the people of Finland, by their unexcelled valour and strong resistance in the face of overwhelming armed forces, have won the moral right to live in everlasting peace and independence in the land they have so bravely defended”.

There seems to be no end in sight for Russia’s war in Ukraine. It is for Ukraine to decide, when it is the time for negotiations. Finland supports Ukraine’s initiative for a just peace. And one thing is clear: the Ukrainians have the right to live in peace and independence in their country.

Dear Friends,

In December 2021, when the President of Russia demanded that NATO must not expand eastward, we in Finland knew what he was after. He sought to re-establish spheres of influence. And by so doing, he wanted to limit also our right to choose our own alliances. We could not let him do that.

Ten years prior - in our very first meeting - I had told President Putin that Finland, like every sovereign nation, maximizes its own security. Russia’s attempt to limit our freedom of decision and finally, its attack on another sovereign neighbour, made our decision clear. In May 2022, Finland officially decided to apply for NATO membership.

Finland has always understood that security is not to be taken for granted. We have held on to conscription and consistently invested in our national defence. In 2021, we made a decision to purchase 64 F-35 fighter jets. That is a lot for a small country. Finland’s NATO membership will not only maximize our own security. We will be a strong contributor for the security of the whole Alliance.

Throughout our membership process, the support we have gotten from the United States has been overwhelming. President Biden has thrown his weight and extraordinary leadership behind Finland’s and Sweden’s membership processes. Dozens of members of the United States Senate and House of Representatives, from both sides of the aisle, have worked tirelessly on our behalf. And Americans across the country have voiced their support. For that, I want to say: thank you.

Finland’s and Sweden’s NATO memberships are still two ratifications short of completion. But it is my hope and belief that the NATO Summit in Vilnius will be a true display of allied unity with 32 members around the table.

Ladies and Gentlemen,

The State of Washington is one of Finland’s core partners in the United States. The first Finnish communities settled here at the end of the 19th century. In 1915, there were about 55 Finnish families and 29 saunas in Kirkland’s Finn Hill. Today, Finland has a population of 5.5 million and around 3 million saunas. The “sauna ratio” was about right here in Washington State more than a hundred years ago.

The Finnish and Nordic communities in Washington are still strong and active. We are proud to even have our “own” representative here in state Legislature, Senator Marko Liias. And, of course, our two representatives, forwards Joonas Donskoi and Eeli Tolvanen, in the Seattle Krakens.

The multiple, overlapping crises we are faced with underscore the need for partnerships. For Finland, state partnerships in the US are an increasingly important element of bilateral cooperation.

In 2021, Finland and Washington State signed a Memorandum of Understanding to deepen our economic ties. We are working to accelerate our cooperation in crucial fields of the future: high technology and green transition. I hope that this visit can also serve to take this work forward. I have with me a group of leading Finnish companies working in these fields.

In the global fight against climate change, Finland and Washington are forerunners. Finland’s goal is to be carbon-neutral by 2035. Reaching that goal requires investments, political leadership, determination and innovation. But the way I see it, sustainability should not be seen as a sacrifice but as an opportunity.

Combating climate change is absolutely crucial for the survival of our planet. But it also makes economic sense. Global markets for green technologies are growing rapidly and offer tremendous potential for forerunners like us.

In the future, our competitiveness and national security will be closely tied to emerging technologies. In fields such as 6G, quantum computing and artificial intelligence, we have a lot to gain from cooperation. Only together can we ensure that these crucial technologies will be developed and used in line with our values.

I trust that the good work that we have started between Finland and the State of Washington will bear fruit and benefit not just us but also the larger international community.

Ladies and Gentlemen,

The bigger the challenges we face, the more important that we face them together. Europe needs the United States. But the United States also needs Europe. Together we have built and upheld the post World War II international institutions and order. From the United Nations to Bretton Woods. And together we will continue to uphold and revitalize this order, also after this war.

Thank you.”

The President thanked President Niinistö for his remarks.

The President called upon the special committee consisting of Senators Liias and J. Wilson and Representatives Entenman and Harris to escort His Excellency Sauli Niinistö, President of Finland and His Excellency Jay Inslee, Governor of Washington from the Chamber.

On motion of Senator Pedersen, the Joint Session was dissolved.

The Sergeant at Arms of the Senate and the Sergeant at Arms of the House escorted Speaker Pro Tempore Orwall and members of the House of Representatives from the Rostrum and seats within the Chamber and the House retired from the Senate Chamber.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

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

#### MESSAGE FROM THE SENATE

Friday, March 3, 2023

Mme. Speaker:



The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5536

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

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

## SECOND READING

**HOUSE BILL NO. 1265, by Representatives Ramos, Goehner, Chapman, Robertson, Kloba, Chambers, Slatter, Callan, Donaghy, Ryu, Reeves, Chopp, Senn, Reed, Couture, Simmons, Fey, Jacobsen, Macri, Peterson, Ramel and Pollet**

**Establishing a property tax exemption for adult family homes that serve people with intellectual or developmental disabilities and are owned by a nonprofit.**

The bill was read the second time.

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

Representatives Ramos and Orcutt spoke in favor of the passage of the bill.

## MOTIONS

On motion of Representative Leavitt, Representative Hansen was excused.

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1265.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1265, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

HOUSE BILL NO. 1265, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1255, by Representatives Simmons, Harris, Peterson, Reed, Riccelli, Macri, Bateman and Doglio**

**Reducing stigma and incentivizing health care professionals to participate in a substance use disorder monitoring and treatment program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1255 was substituted for House Bill No. 1255 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1255 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 Simmons and Riccelli spoke in favor of the passage of the bill.

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1255.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1255, and the bill passed the House by the following vote: Yeas, 60; Nays, 35; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McEntire, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler, Hansen and Volz

SUBSTITUTE HOUSE BILL NO. 1255, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1762, by Representatives Doglio, Berry, Ramel, Fosse, Reed, Alvarado, Peterson and Pollet**

**Protecting warehouse employees.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1762 was substituted for House Bill No. 1762 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1762 was read the second time.

With the consent of the House, amendments (290) and (309) were withdrawn.

Representative Connors moved the adoption of amendment (289):

On page 3, beginning on line 4, after "standard" strike all material through "An" on line 5 and insert "under which an"

On page 3, beginning on line 10, after "standard" strike all material through

"standard" on line 13 and insert ". For purposes of this subsection, "adverse employment action" means an action or a pattern of conduct that, taken as a whole, materially and adversely affected the terms, conditions, or privileges of the employee's employment"

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

Representative Berry spoke against the adoption of the amendment.

Amendment (289) was not adopted.

Representative Connors moved the adoption of amendment (291):

On page 4, beginning on line 10, after "3." strike all material through "department." on page 5, line 31 and insert "An employee shall not be required to meet a quota that prevents compliance with meal or rest periods, use of bathroom facilities, including reasonable travel time to and from bathroom facilities, or occupational health and safety laws. An employer shall not take adverse employment action against an employee for failure to meet a quota that does not allow a worker to comply with meal and rest periods, or occupational health and safety laws, or for failure to meet a quota that has not been disclosed to the employee pursuant to this chapter."

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

Representatives Connors, Abbarno and Corry spoke in favor of the adoption of the amendment.

Representative Ortiz-Self spoke against the adoption of the amendment.

Amendment (291) was not adopted.

Representative Chambers moved the adoption of amendment (292):

On page 5, line 32, after "6." strike "(1) An" and insert "Each"

On page 5, line 33, after "preserve" insert "for three years"

On page 5, beginning on line 33, after "records" strike all material through "department" on page 6, line 24 and insert "to ensure compliance with an employee's or the director's request for data"

Representatives Chambers, Robertson, Walsh, Abbarno, Chambers (again) and Harris spoke in favor of the adoption of the amendment.

Representative Entenman spoke against the adoption of the amendment.

Amendment (292) was not adopted.

Representative Robertson moved the adoption of amendment (294):

On page 6, beginning on line 25, after "(1)" strike all material through "request."

on page 7, line 10 and insert "If an employee or former employee believes that meeting a quota caused a violation of their right to a meal or rest period or required them to violate any state occupational health and safety laws, the employee or former employee has the right to request, and the employer shall provide, a written description of each quota to which the employee is subject, and a copy of the employee's own personal aggregated work speed data for the most recent 90 days.

(2) If a former employee requests a written description of the quotas to which they were subject and a copy of their own personal work speed data pursuant to subsection (1) of this section, the employer shall provide the former employee's quotas and personal work speed data for the 90 days prior to the date of the employee's separation from the employer.

(3) An employer must provide records requested under this section at no cost to the employee or former employee. A former employee is limited to one request pursuant to this section.

(4) An employer that receives a written or oral request for information pursuant to this section shall comply with the request as soon as practicable, but no later than 21 calendar days from the date of the request."

Representatives Robertson and Corry spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (294) was not adopted.

Representative Schmidt moved the adoption of amendment (295):

On page 7, beginning on line 15, strike all of section 8 and insert the following:

**"NEW SECTION. Sec. 8.** For the purposes of this act, there shall be a rebuttable presumption of unlawful retaliation if an employer in any manner discriminates, retaliates, or takes any adverse action against any employee within 90 days of the employee doing either of the following:

(1) Initiating the employee's first request in a calendar year for information about a quota or personal work speed data pursuant to section 7 of this act; or

(2) Making a complaint related to a quota alleging any violations of this act to the employer, the director, or any local, or state, or federal governmental agency."

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

Representative Fosse spoke against the adoption of the amendment.

Amendment (295) was not adopted.

Representative Cheney moved the adoption of amendment (293):

On page 10, beginning on line 12, strike all of section 11

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

Representatives Cheney, Abbarno and Caldier spoke in favor of the adoption of the amendment.

Representative Fosse spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 42 - YEAS; 53 - NAYS.

Amendment (293) 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 Doglio and Fosse spoke in favor of the passage of the bill.

Representatives Schmidt, Corry, Walsh, Chambers, Christian, Schmidt (again), Maycumber, Wilcox and Robertson spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1762.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1762, and the bill passed the House by the following vote: Yeas, 53; Nays, 42; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Springer, Steele, Stokesbary, Walen, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler, Hansen and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1762, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

**HOUSE BILL NO. 1378, by Representatives Reeves, Dent, Berry, Ramel, Gregerson and Leavitt**

**Concerning the removal of derelict aquatic structures and restoration of aquatic lands.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1378 was substituted for House Bill No. 1378 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1378 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 Reeves and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1378.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1378, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

SUBSTITUTE HOUSE BILL NO. 1378, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1527, by Representatives Wylie, Sandlin, Duerr, Barnard, Connors, Chapman, Waters, Springer, Harris and Gregerson**

**Making technical corrections to the local tax increment financing program.**

The bill was read the second time.

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

Representatives Wylie, Schmidt and Harris spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1527.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1527, and the bill passed the House by the following vote: Yeas, 80; Nays, 15; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Caldier, Callan, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Ryu, Sandlin, Schmick, Schmidt, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Bronoske, Chambers, Couture, Dye, Jacobsen, Leavitt, McEntire, Orcutt, Paul, Rule, Santos, Shavers, Timmons, Walsh and Ybarra

Excused: Representatives Chandler, Hansen and Volz

HOUSE BILL NO. 1527, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1663, by Representatives Goehner and Steele**

**Allowing functionally consolidated port districts to adopt a unified levy.**

The bill was read the second time.

Representative Goehner moved the adoption of the striking amendment (298):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 53.08 RCW to read as follows:

(1) Two or more port districts, operating under a mutual agreement pursuant to RCW 53.08.240, may levy and collect jointly the property tax assessments authorized under RCW 53.36.020 under the following conditions:

(a) The port districts are adjacent, and the boundaries of the port districts are coextensive with county boundaries;

(b) The commissioners of each port district have, no later than July 1st, and by at least a two-thirds margin, voted to conduct a joint property tax levy for collection in the following year and for subsequent years, until such time as the commissioners of each port district have voted to discontinue the joint property tax levy;

(c) The joint property tax levy has been approved by a majority of voters at special elections called under RCW 29A.04.330 by the port district commissioners of the port districts that propose to conduct the joint property tax levy. The special elections within each port district must be held on the same day. If the certified election results show that a majority of the total votes cast among all the port districts participating in the special elections approve the joint property tax levy, then the joint levy shall be deemed approved. Once voters have approved the conduct of a joint property tax levy, the conduct of a joint levy in subsequent consecutive years does not require voter approval; and

(d) The joint property tax rate imposed is the same in each participating port district.

(2)(a) Two or more port districts that are jointly levying and collecting property taxes as provided for under subsection (1) of this section are considered a "taxing district" under RCW 84.04.120.

(b) The commissioners of the port districts that are jointly levying and collecting property taxes under subsection (1) of this section are considered the governing body of the districts for the purposes of RCW 84.55.120.

(3)(a) Port districts that are jointly levying and collecting property taxes as

provided for in subsection (1) of this section may not independently conduct a property tax levy under RCW 53.36.020, except as provided in (b) of this subsection.

(b) Port districts conducting a joint levy may independently approve a property tax levy under RCW 53.36.020 to the extent needed to provide for payment of principal and interest on general bonded indebtedness.

(4)(a) Notwithstanding RCW 84.55.035, when conducting a joint property tax levy, the first joint levy amount must be set as provided for in RCW 84.55.020 as if the port districts had consolidated. Subsequent joint levies are subject to the limitations in RCW 84.55.010.

(b) Any increase in the property tax revenue by the jointly taxing port districts may only be authorized pursuant to RCW 84.55.120, except that any such increase must be approved by at least two-thirds of the commissioners of each of the port districts.

(c) Port districts that are jointly levying and collecting property taxes may conduct a levy in an amount exceeding the limitations provided for in chapter 84.55 RCW as provided for in RCW 84.55.050, except that such a levy may only be conducted if approved by a majority of voters in each port district participating in the joint property tax levy.

(5) The separate obligations of each of the port districts conducting a joint property tax levy shall not be affected by the conduct of the joint levy, and shall remain the responsibility of the individual port district subject to the obligation. Taxes and assessments for payment of such obligations shall continue to be levied and collected as provided for in subsection (3) (b) of this section in each port district notwithstanding the joint property tax levy. While any such obligations remain outstanding, funds subject to such obligations shall be kept separate.

(6)(a) In the event that two or more port districts operating under a mutual agreement pursuant to RCW 53.08.240 cease to operate under the agreement, the joint debts and assets of the port districts must be divided as provided for in the agreement. If no provision for such division was made, the debts and assets must be divided amongst the port districts in the same proportion as the property tax assessments were divided amongst the districts.

(b) The first property tax levy conducted by a port district after it ceases to conduct a joint property tax levy with another port district must be set so that the levy does not exceed the port district's proportional share of the last levy jointly conducted with one or more other port districts plus additional increases allowed under RCW 84.55.010.

Correct the title.

Representatives Goehner and Berg spoke in favor of the adoption of the striking amendment.

The striking amendment (298) 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 Goehner and Berg spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1663.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1663, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

ENGROSSED HOUSE BILL NO. 1663, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1268, by Representatives Goodman, Simmons, Walen and Eslick**

#### Concerning sentencing enhancements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1268 was substituted for House Bill No. 1268 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1268 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 Goodman and Hackney spoke in favor of the passage of the bill.

Representatives Mosbrucker, Abbarno, Cheney, Walsh, Walsh (again), Graham, Corry, Chambers, Griffey, Caldier, Maycumber, Connors and Christian spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1268.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1268, and the bill passed the House by the following vote: Yeas, 53; Nays, 42; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu,

Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler, Hansen and Volz

SUBSTITUTE HOUSE BILL NO. 1268, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1530, by Representatives Cortes, Mena, Simmons, Ryu, Davis and Fosse**

#### Expanding eligibility for employment of certain law enforcement and prosecutor office positions.

The bill was read the second time.

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

Representatives Cortes and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1530.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1530, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

HOUSE BILL NO. 1530, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1508, by Representatives Macri, Riccelli, Simmons, Fitzgibbon, Berry, Alvarado, Bateman, Ormsby, Doglio, Reed, Callan, Stonier, Tharinger and Bergquist**

#### Improving consumer affordability through the health care cost transparency board.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1508 was substituted for House Bill No. 1508 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1508 was read the second time.

Representative Macri moved the adoption of amendment (331):

On page 2, line 17, after "benchmark." insert "Such action should be implemented in a progressive manner, such that health care providers and payers are assisted to come into compliance with cost targets, including through technical assistance and performance improvement plans, before assessing fines, unless there are egregious violations."

On page 2, line 33, after "analysis" insert "the provision of technical assistance,"

On page 5, line 14, after "chapters" strike "43.71, 43.71C" and insert "43.70, 43.71, 43.71C, 43.371"

On page 5, line 21, after "state" insert ". The board shall not require reporting of the same or similar data from a payer or health care provider if the data are available from an existing source"

On page 5, line 26, after "benchmark." insert "By July 1, 2024, the authority, in consultation with the board, shall adopt rules governing the health care cost growth benchmark that will be applicable beginning in 2026."

On page 12, beginning on line 24, strike all of section 9 and insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 43.71C RCW to read as follows:

Information collected pursuant to this chapter may be shared with the health care cost transparency board established under chapter 70.390 RCW, subject to the same disclosure restrictions applicable under this chapter."

Correct the title.

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

Amendment (331) 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 Schmick and Harris spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1508.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1508, and the bill passed the House by the following vote: Yeas, 57; Nays, 38; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey,

Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler, Hansen and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1554, by Representatives Doglio, Pollet, Fitzgibbon, Berry, Ramel, Orwall, Ryu, Fosse, Kloba, Macri and Duerr**

**Reducing public health and environmental impacts from lead.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1554 was substituted for House Bill No. 1554 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1554 was read the second time.

With the consent of the House, amendment (123) was withdrawn.

Representative Dent moved the adoption of the striking amendment (280):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that even though lead is a widely recognized hazard to human health and to the environment, and leaded motor vehicle gasoline was phased out across the United States decades ago, leaded gasoline remains in widespread use at general aviation airports by piston engine noncommercial aircraft. Recent studies have found elevated levels of lead in the blood of residents, and particularly worryingly in the blood of children residing in general aviation airport communities, for whom lead is especially harmful to their development. There is consensus among the medical and scientific communities that the levels detected in children living around general airports similar to those in Washington are hazardous. The national academies of sciences, engineering, and medicine in 2015 concluded that lead "is a well-known air pollutant that can lead to a variety of adverse health impacts, including neurological effects in children that lead to behavioral problems, learning deficits, and lowered IQ."

(2) The United States environmental protection agency has recently taken steps towards making an endangerment finding that may eventually lead, through a complex federal regulatory process involving the

United States federal aviation administration, to the elimination of lead from aviation gasoline. That unfolding federal process is too slow to adequately protect those currently living near general aviation airports from the harms of lead.

(3) Therefore, it is the intent of the legislature to take steps to mitigate public health and environmental concerns caused by the use of leaded gasoline at airports, and to encourage the federal aviation administration to expedite the transition to the use of unleaded aviation gasoline.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.68 RCW to read as follows:

(1) The department must carry out an education and outreach campaign targeted to airport operators and pilots of piston-engine aircraft on the topic of lead emissions from piston-engine aircraft and the disposal of fuel samples from sumping aircraft fuel tanks.

(2) The department, in coordination with the federal aviation administration and an association representing managers of airports in Washington, must develop a bulletin to send to airport operators. The bulletin must offer best practices to build awareness with airport employees, airport-based pilots, transient pilots, fixed base operators, and other on-airport tenants related to the issue of lead emissions from piston-engine aircraft and the handling of leaded aviation fuel.

(3) For purposes of subsections (1) and (2) of this section, the department may rely upon primers, guides, tools, and resources developed for airports or aircraft operators under the eliminate aviation gasoline lead emissions initiative.

(4) The department must develop and communicate to the federal aviation administration a written recommendation to amend their advisory circular on airport master plans to include evaluation of aircraft runup area locations to limit exposure to the public from piston-engine aircraft, with consideration of the 2021 consensus study report from the national academies of sciences, engineering, and medicine entitled "*Options for Removing Lead Emissions from Piston-Engine Aircraft.*"

(5)(a) The department must submit a formal request to the federal aviation administration for the prioritization of efforts to accelerate the work of the initiative to eliminate aviation gasoline lead emissions as part of the federal aviation administration's request in the congressional reauthorization act process pertaining to the federal aviation administration.

(b) The department must cooperate with and participate in aviation trade associations, including trade associations for state aviation officials and airport executive associations, for the purpose of advocating for the acceleration of the initiative to eliminate aviation gasoline lead emissions as part of those organizations' respective legislative priorities for congressional reauthorization

acts pertaining to the federal aviation administration.

(6) The department, in consultation with representatives of airport operators, fixed-base operators, and at least one national association representing general aviation pilots, one national association representing business aviation, and the Washington aviation and aerospace advisory committee must submit recommendations to the appropriate committees of the legislature by December 8, 2023, on:

(a) Financial incentives including, but not limited to, grants, taxes, aircraft registration fees, other fees, and leasehold excise tax reductions, to be provided by the state for leaded aviation fuel reduction; and

(b) Management strategies for airport operators and fixed-base operators, limited fixed-base operators, and businesses operating piston-engine aircraft to pursue programs and projects to acquire equipment, build facilities, or implement operational programs with the goal of reducing emissions from piston-engine aircraft that use leaded aviation fuels.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.70 RCW to read as follows:

The department must update its blood lead testing guidance for health care providers related to children living near airports at which aviation gasoline is used. The update must include children at risk of lead exposure due to airport operations among the high-risk populations broadly recommended for a blood lead test, without respect to the clinical judgment of the health care provider. For purposes of determining which children are at highest risk of lead exposure due to airport operations, the department must consider including children living, attending day care, preschool, or school within one kilometer of a general aviation airport, among other populations. The department must conduct outreach with and provide information to health care providers about the guidance.

**NEW SECTION. Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 5.** 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 Doglio moved the adoption of amendment (341) to the striking amendment (280):

On page 2, line 10 of the striking amendment, after "with" insert "communities surrounding general aviation airports at which leaded aviation gasoline is used, with

special emphasis on communities overburdened by air pollution as identified by the department of ecology under chapter 70A.02 RCW or chapter 70A.65 RCW, as well as with"

On page 3, line 17 of the striking amendment, after "fuels" insert "and reducing public health impacts from lead exposures associated with airport operations"

Representatives Doglio, Dent and Christian spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (341) to the striking amendment (280) was adopted.

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

The striking amendment (280), 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 Doglio and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1554.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1554, and the bill passed the House by the following vote: Yeas, 67; Nays, 28; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Cheney, Chopp, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Simmons, Slatter, Springer, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Calder, Christian, Connors, Corry, Couture, Graham, Griffey, Harris, Hutchins, Klicker, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Shavers, Stearns, Steele, Stokesbary, Walsh, Waters and Wilcox

Excused: Representatives Chandler, Hansen and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1554, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 1824, by Representatives Eslick, Chapman and Volz

**Authorizing bona fide charitable or nonprofit organizations to conduct shooting sports and activities sweepstakes.**

The bill was read the second time.

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

Representatives Eslick, Kloba and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1824.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1824, and the bill passed the House by the following vote: Yeas, 90; Nays, 5; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Berry, Bronoske, Leavitt, Mena and Senn

Excused: Representatives Chandler, Hansen and Volz

HOUSE BILL NO. 1824, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

#### HOUSE BILL NO. 1187, by Representatives Hackney, Berry, Bateman, Ramel, Doglio, Simmons, Lekanoff, Bronoske, Wylie, Stonier, Pollet and Ormsby

**Concerning privileged communication between employees and the unions that represent them.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1187 was substituted for House Bill No. 1187 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1187 was read the second time.

Representative Robertson moved the adoption of amendment (344):

On page 7, line 18, after "member;" strike "or"

On page 7, line 21, after "agents" insert "; or"

(v) When an admission of, or intent to engage in, criminal conduct is revealed by the represented union member to the union representative"

Representatives Robertson and Hackney spoke in favor of the adoption of the amendment.

Amendment (344) 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 Hackney and Walsh spoke in favor of the passage of the bill.



The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1187.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1187, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goechner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1187, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1134, by Representatives Orwall, Bronoske, Peterson, Berry, Ramel, Leavitt, Callan, Doglio, Macri, Caldier, Simmons, Timmons, Reeves, Chopp, Lekanoff, Gregerson, Thai, Paul, Wylie, Stonier, Davis, Kloba, Riccelli, Fosse and Farivar**

**Implementing the 988 behavioral health crisis response and suicide prevention system.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1134 was substituted for House Bill No. 1134 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1134 was read the second time.

Representative Orwall moved the adoption of the striking amendment (312):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.24.025 and 2021 c 302 s 402 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "988 crisis hotline" means the universal telephone number within the United States designated for the purpose of the national suicide prevention and mental health crisis hotline system operating through the national suicide prevention lifeline.

(2) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a

gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program licensed or certified by the department as meeting standards adopted under this chapter.

(5) "Authority" means the Washington state health care authority.

(6) "Available resources" means funds appropriated for the purpose of providing community behavioral health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other behavioral health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(7) "Behavioral health administrative services organization" means an entity contracted with the authority to administer behavioral health services and programs under RCW 71.24.381, including crisis services and administration of chapter 71.05 RCW, the involuntary treatment act, for all individuals in a defined regional service area.

(8) "Behavioral health aide" means a counselor, health educator, and advocate who helps address individual and community-based behavioral health needs, including those related to alcohol, drug, and tobacco abuse as well as mental health problems such as grief, depression, suicide, and related issues and is certified by a community health aide program of the Indian health service or one or more tribes or tribal organizations consistent with the provisions of 25 U.S.C. Sec. 16161 and RCW 43.71B.010 (7) and (8).

(9) "Behavioral health provider" means a person licensed under chapter 18.57, 18.71, 18.71A, 18.83, 18.205, 18.225, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(10) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter that, depending on the type of service, are provided by licensed or certified behavioral health agencies, behavioral health providers, or integrated into other health care providers.

(11) "Child" means a person under the age of eighteen years.

(12) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the authority by rule consistent with Public Law 92-603, as amended.

(13) "Clubhouse" means a community-based program that provides rehabilitation services and is licensed or certified by the department.

(14) "Community behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat substance use disorder, mental illness, or both in the community behavioral health system.

(15) "Community behavioral health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders, substance use disorders, or both, as defined under RCW 71.05.020 and receive funding from public sources.

(16) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally or behaviorally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health administrative services organizations.

(17) "Community-based crisis team" means a team that is part of an emergency medical services agency, a fire service agency, a public health agency, a medical facility, or a city or county government entity, other than a law enforcement agency, that provides the on-site community-based interventions of a mobile rapid response crisis team for individuals who are experiencing a behavioral health crisis.

(18) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

~~((18))~~ (19) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a behavioral health administrative services organization, or two or more of the county authorities specified in this subsection which have entered into an agreement to establish a behavioral health administrative services organization.

~~((19) "Crisis call center hub" means a state-designated center participating in the national suicide prevention lifeline network to respond to statewide or regional 988 calls that meets the requirements of RCW 71.24.890.)~~

(20) "Crisis stabilization services" means services such as 23-hour crisis stabilization units based on the living room model, crisis stabilization units as provided in RCW 71.05.020, triage facilities as provided in RCW 71.05.020, short-term respite facilities, peer-run respite services, and same-day walk-in behavioral health services, including within the overall crisis system components that operate like hospital emergency departments that accept all walk-ins, and ambulance, fire, and police drop-offs.

(21) "Department" means the department of health.

(22) "Designated 988 contact hub" means a state-designated contact center that streamlines clinical interventions and access to resources for people experiencing a behavioral health crisis and participates in the national suicide prevention lifeline network to respond to statewide or regional 988 contacts that meets the requirements of RCW 71.24.890.

(23) "Designated crisis responder" has the same meaning as in RCW 71.05.020.

~~((23))~~ (24) "Director" means the director of the authority.

~~((24))~~ (25) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

~~((25))~~ (26) "Early adopter" means a regional service area for which all of the county authorities have requested that the authority purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380 ~~((+6))~~ (7).

~~((26))~~ (27) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those

listed in subsection ~~((27))~~(28) of this section.

~~((27))~~(28) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

~~((28))~~(29) "Indian health care provider" means a health care program operated by the Indian health service or by a tribe, tribal organization, or urban Indian organization as those terms are defined in the Indian health care improvement act (25 U.S.C. Sec. 1603).

~~((29))~~(30) "Intensive behavioral health treatment facility" means a community-based specialized residential treatment facility for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

~~((30))~~(31) "Licensed or certified behavioral health agency" means:

(a) An entity licensed or certified according to this chapter or chapter 71.05 RCW;

(b) An entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department; or

(c) An entity with a tribal attestation that it meets state minimum standards for a licensed or certified behavioral health agency.

~~((31))~~(32) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

~~((32))~~(33) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

~~((33))~~(34) "Managed care organization" means an organization, having a certificate of authority or certificate of registration from the office of the insurance commissioner, that contracts with the

authority under a comprehensive risk contract to provide prepaid health care services to enrollees under the authority's managed care programs under chapter 74.09 RCW.

~~((34))~~(35) "Mental health peer-run respite center" means a peer-run program to serve individuals in need of voluntary, short-term, noncrisis services that focus on recovery and wellness.

~~((35))~~(36) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department of social and health services or the authority, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, or by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by a person providing treatment services for the entities listed in this subsection, or a treatment facility if the notes or records are not available to others.

~~((36))~~(37) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (2), (12), ~~((44))~~(45), and ~~((45))~~(46) of this section.

~~((37))~~(38) "Mobile rapid response crisis team" means a team that provides professional on-site community-based intervention such as outreach, de-escalation, stabilization, resource connection, and follow-up support for individuals who are experiencing a behavioral health crisis, that shall include certified peer counselors as a best practice to the extent practicable based on workforce availability, and that meets standards for response times established by the authority.

~~((38))~~(39) "Recovery" means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential.

~~((39))~~(40) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection ~~((27))~~(28) of this section but does not meet the full criteria for evidence-based.

~~((40))~~(41) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-

term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, residential treatment facilities, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((41))~~ (42) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

~~((42))~~ (43) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined by a behavioral health administrative services organization or managed care organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health administrative services organization or managed care organization, as applicable.

~~((43))~~ (44) "Secretary" means the secretary of the department of health.

~~((44))~~ (45) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with

the child's personality development and learning.

~~((45))~~ (46) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health administrative services organization or managed care organization, if applicable, to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((46))~~ (47) "State minimum standards" means minimum requirements established by rules adopted and necessary to implement this chapter by:

(a) The authority for:

(i) Delivery of mental health and substance use disorder services; and

(ii) Community support services and resource management services;

(b) The department of health for:

(i) Licensed or certified behavioral health agencies for the purpose of providing mental health or substance use disorder programs and services, or both;

(ii) Licensed behavioral health providers for the provision of mental health or substance use disorder services, or both; and

(iii) Residential services.

~~((47))~~ (48) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

~~((48))~~ (49) "Tribe," for the purposes of this section, means a federally recognized Indian tribe.

**Sec. 2.** RCW 71.24.037 and 2019 c 446 s 23 and 2019 c 325 s 1007 are each reenacted and amended to read as follows:

(1) The secretary shall license or certify any agency or facility that: (a) Submits payment of the fee established under RCW 43.70.110 and 43.70.250; (b) submits a complete application that demonstrates the ability to comply with requirements for operating and maintaining an agency or facility in statute or rule; and (c) successfully completes the prelicensure inspection requirement.

(2) The secretary shall establish by rule minimum standards for licensed or certified behavioral health agencies that must, at a minimum, establish: (a) Qualifications for staff providing services directly to persons with mental disorders, substance use disorders, or both; (b) the intended result of each service; and (c) the rights and responsibilities of persons receiving behavioral health services pursuant to this chapter and chapter 71.05 RCW. The secretary shall provide for deeming of licensed or certified behavioral health agencies as meeting state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department.

(3) The department shall review reports or other information alleging a failure to comply with this chapter or the standards and rules adopted under this chapter and may initiate investigations and enforcement actions based on those reports.

(4) The department shall conduct inspections of agencies and facilities, including reviews of records and documents required to be maintained under this chapter or rules adopted under this chapter.

(5) The department may suspend, revoke, limit, restrict, or modify an approval, or refuse to grant approval, for failure to meet the provisions of this chapter, or the standards adopted under this chapter. RCW 43.70.115 governs notice of a license or certification denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(6) No licensed or certified behavioral health ~~((service provider))~~agency may advertise or represent itself as a licensed or certified behavioral health ~~((service provider))~~agency if approval has not been granted or has been denied, suspended, revoked, or canceled.

(7) Licensure or certification as a behavioral health ~~((service provider))~~agency is effective for one calendar year from the date of issuance of the license or certification. The license or certification must specify the types of services provided by the behavioral health ~~((service provider))~~agency that meet the standards adopted under this chapter. Renewal of a license or certification must be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(8) Licensure or certification as a licensed or certified behavioral health ~~((service provider))~~agency must specify the types of services provided that meet the

standards adopted under this chapter. Renewal of a license or certification must be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(9) The department shall develop a process by which a provider may obtain dual licensure as an evaluation and treatment facility and secure withdrawal management and stabilization facility.

(10) Licensed or certified behavioral health ~~((service providers))~~agencies may not provide types of services for which the licensed or certified behavioral health ~~((service provider))~~agency has not been certified. Licensed or certified behavioral health ~~((service providers))~~agencies may provide services for which approval has been sought and is pending, if approval for the services has not been previously revoked or denied.

(11) The department periodically shall inspect licensed or certified behavioral health ~~((service providers))~~agencies at reasonable times and in a reasonable manner.

(12) Upon petition of the department and after a hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him or her to enter and inspect at reasonable times, and examine the books and accounts of, any licensed or certified behavioral health ~~((service provider))~~agency refusing to consent to inspection or examination by the department or which the department has reasonable cause to believe is operating in violation of this chapter.

(13) The department shall maintain and periodically publish a current list of licensed or certified behavioral health ~~((service providers))~~agencies.

(14) Each licensed or certified behavioral health ~~((service provider))~~agency shall file with the department or the authority upon request, data, statistics, schedules, and information the department or the authority reasonably requires. A licensed or certified behavioral health ~~((service provider))~~agency that without good cause fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent returns thereof, may have its license or certification revoked or suspended.

(15) The authority shall use the data provided in subsection (14) of this section to evaluate each program that admits children to inpatient substance use disorder treatment upon application of their parents. The evaluation must be done at least once every twelve months. In addition, the authority shall randomly select and review the information on individual children who are admitted on application of the child's parent for the purpose of determining whether the child was appropriately placed into substance use disorder treatment based on an objective evaluation of the child's condition and the outcome of the child's treatment.

(16) Any settlement agreement entered into between the department and licensed or certified behavioral health ~~((service providers))~~agencies to resolve

administrative complaints, license or certification violations, license or certification suspensions, or license or certification revocations may not reduce the number of violations reported by the department unless the department concludes, based on evidence gathered by inspectors, that the licensed or certified behavioral health ~~((service provider))~~agency did not commit one or more of the violations.

(17) In cases in which a behavioral health ~~((service provider))~~agency that is in violation of licensing or certification standards attempts to transfer or sell the behavioral health ~~((service provider))~~agency to a family member, the transfer or sale may only be made for the purpose of remedying license or certification violations and achieving full compliance with the terms of the license or certification. Transfers or sales to family members are prohibited in cases in which the purpose of the transfer or sale is to avoid liability or reset the number of license or certification violations found before the transfer or sale. If the department finds that the owner intends to transfer or sell, or has completed the transfer or sale of, ownership of the behavioral health ~~((service provider))~~agency to a family member solely for the purpose of resetting the number of violations found before the transfer or sale, the department may not renew the behavioral health ~~((service provider's))~~agency's license or certification or issue a new license or certification to the behavioral health service provider.

(18) Every licensed or certified outpatient behavioral health agency shall display the 988 crisis hotline number in common areas of the premises and include the number as a calling option on any phone message for persons calling the agency after business hours.

(19) Every licensed or certified inpatient or residential behavioral health agency must include the 988 crisis hotline number in the discharge summary provided to individuals being discharged from inpatient or residential services.

**NEW SECTION. Sec. 3.** A new section is added to chapter 71.24 RCW to read as follows:

The department shall develop informational materials and a social media campaign related to the 988 crisis hotline, including call, text, and chat options, and other crisis hotline lines for veterans, American Indians and Alaska Natives, and other populations. The informational materials must include appropriate information for persons seeking services at behavioral health clinics and medical clinics, as well as media audiences and students at K-12 schools and higher education institutions. The department shall make the informational materials available to behavioral health clinics, medical clinics, media, K-12 schools, higher education institutions, and other relevant settings. The informational materials shall be made available to professionals during training in suicide assessment, treatment,

and management under RCW 43.70.442. To tailor the messages of the informational materials and the social media campaign, the department must consult with tribes, the American Indian health commission of Washington state, the native and strong lifeline, the Washington state department of veterans affairs, representatives of agricultural communities, and persons with lived experience related to mental health issues, substance use disorder issues, a suicide attempt, or a suicide loss.

**Sec. 4.** RCW 43.70.442 and 2020 c 229 s 1 and 2020 c 80 s 30 are each reenacted and amended to read as follows:

(1)(a) Each of the following professionals certified or licensed under Title 18 RCW shall, at least once every six years, complete training in suicide assessment, treatment, and management that is approved, in rule, by the relevant disciplining authority:

(i) An adviser or counselor certified under chapter 18.19 RCW;

(ii) A substance use disorder professional licensed under chapter 18.205 RCW;

(iii) A marriage and family therapist licensed under chapter 18.225 RCW;

(iv) A mental health counselor licensed under chapter 18.225 RCW;

(v) An occupational therapy practitioner licensed under chapter 18.59 RCW;

(vi) A psychologist licensed under chapter 18.83 RCW;

(vii) An advanced social worker or independent clinical social worker licensed under chapter 18.225 RCW; and

(viii) A social worker associate—advanced or social worker associate— independent clinical licensed under chapter 18.225 RCW.

(b) The requirements in (a) of this subsection apply to a person holding a retired active license for one of the professions in (a) of this subsection.

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (1)(d) affects the validity of training completed prior to July 1, 2017.

(2)(a) Except as provided in (b) of this subsection:

(i) A professional listed in subsection (1)(a) of this section must complete the first training required by this section by the end of the first full continuing education reporting period after January 1, 2014, or during the first full continuing education reporting period after initial licensure or certification, whichever occurs later.

(ii) Beginning July 1, 2021, the second training for a psychologist, a marriage and

family therapist, a mental health counselor, an advanced social worker, an independent clinical social worker, a social worker associate-advanced, or a social worker associate-independent clinical must be either: (A) An advanced training focused on suicide management, suicide care protocols, or effective treatments; or (B) a training in a treatment modality shown to be effective in working with people who are suicidal, including dialectical behavior therapy, collaborative assessment and management of suicide risk, or cognitive behavior therapy-suicide prevention. If a professional subject to the requirements of this subsection has already completed the professional's second training prior to July 1, 2021, the professional's next training must comply with this subsection. This subsection (2)(a)(ii) does not apply if the licensee demonstrates that the training required by this subsection (2)(a)(ii) is not reasonably available.

(b)(i) A professional listed in subsection (1)(a) of this section applying for initial licensure may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of the training required in subsection (1) of this section no more than six years prior to the application for initial licensure.

(ii) Beginning July 1, 2021, a psychologist, a marriage and family therapist, a mental health counselor, an advanced social worker, an independent clinical social worker, a social worker associate-advanced, or a social worker associate-independent clinical exempt from his or her first training under (b)(i) of this subsection must comply with the requirements of (a)(ii) of this subsection for his or her first training after initial licensure. If a professional subject to the requirements of this subsection has already completed the professional's first training after initial licensure, the professional's next training must comply with this subsection (2)(b)(ii). This subsection (2)(b)(ii) does not apply if the licensee demonstrates that the training required by this subsection (2)(b)(ii) is not reasonably available.

(3) The hours spent completing training in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education or continuing competency requirements for each profession.

(4)(a) A disciplining authority may, by rule, specify minimum training and experience that is sufficient to exempt an individual professional from the training requirements in subsections (1) and (5) of this section. Nothing in this subsection (4)(a) allows a disciplining authority to provide blanket exemptions to broad categories or specialties within a profession.

(b) A disciplining authority may exempt a professional from the training requirements of subsections (1) and (5) of this section if the professional has only brief or limited patient contact.

(5)(a) Each of the following professionals credentialed under Title 18 RCW shall complete a one-time training in suicide assessment, treatment, and management that is approved by the relevant disciplining authority:

(i) A chiropractor licensed under chapter 18.25 RCW;

(ii) A naturopath licensed under chapter 18.36A RCW;

(iii) A licensed practical nurse, registered nurse, or advanced registered nurse practitioner, other than a certified registered nurse anesthetist, licensed under chapter 18.79 RCW;

(iv) An osteopathic physician and surgeon licensed under chapter 18.57 RCW, other than a holder of a postgraduate osteopathic medicine and surgery license issued under RCW 18.57.035;

(v) A physical therapist or physical therapist assistant licensed under chapter 18.74 RCW;

(vi) A physician licensed under chapter 18.71 RCW, other than a resident holding a limited license issued under RCW 18.71.095(3);

(vii) A physician assistant licensed under chapter 18.71A RCW;

(viii) A pharmacist licensed under chapter 18.64 RCW;

(ix) A dentist licensed under chapter 18.32 RCW;

(x) A dental hygienist licensed under chapter 18.29 RCW;

(xi) An athletic trainer licensed under chapter 18.250 RCW;

(xii) An optometrist licensed under chapter 18.53 RCW;

(xiii) An acupuncture and Eastern medicine practitioner licensed under chapter 18.06 RCW; and

(xiv) A person holding a retired active license for one of the professions listed in (a)(i) through (xiii) of this subsection.

(b)(i) A professional listed in (a)(i) through (vii) of this subsection or a person holding a retired active license for one of the professions listed in (a)(i) through (vii) of this subsection must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2016, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between June 12, 2014, and January 1, 2016, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(ii) A licensed pharmacist or a person holding a retired active pharmacist license must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2017, or during the first full continuing education reporting period after initial licensure, whichever is later.

(iii) A licensed dentist, a licensed dental hygienist, or a person holding a retired active license as a dentist shall complete the one-time training by the end of the full continuing education reporting period after August 1, 2020, or during the

first full continuing education reporting period after initial licensure, whichever is later. Training completed between July 23, 2017, and August 1, 2020, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iii), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(iv) A licensed optometrist or a licensed acupuncture and Eastern medicine practitioner, or a person holding a retired active license as an optometrist or an acupuncture and Eastern medicine practitioner, shall complete the one-time training by the end of the full continuing education reporting period after August 1, 2021, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between August 1, 2020, and August 1, 2021, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b)(iv), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (5)(d) affects the validity of training completed prior to July 1, 2017.

(6)(a) The secretary and the disciplining authorities shall work collaboratively to develop a model list of training programs in suicide assessment, treatment, and management. Beginning July 1, 2021, for purposes of subsection (2)(a)(ii) of this section, the model list must include advanced training and training in treatment modalities shown to be effective in working with people who are suicidal.

(b) The secretary and the disciplining authorities shall update the list at least once every two years.

(c) By June 30, 2016, the department shall adopt rules establishing minimum standards for the training programs included on the model list. The minimum standards must require that six-hour trainings include content specific to veterans and the assessment of issues related to imminent harm via lethal means or self-injurious behaviors and that three-hour trainings for pharmacists or dentists include content related to the assessment of issues related to imminent harm via lethal means. By July 1, 2024, the minimum standards must be updated to require that both the six-hour and three-hour trainings include content specific to the availability of and the services offered by the 988 crisis hotline and the behavioral health crisis response and suicide prevention system and best practices for assisting persons with

accessing the 988 crisis hotline and the system. Beginning September 1, 2024, trainings submitted to the department for review and approval must include the updated information in the minimum standards for the model list as well as all subsequent submissions. When adopting the rules required under this subsection (6)(c), the department shall:

(i) Consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations; and

(ii) Consider standards related to the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(d) Beginning January 1, 2017:

(i) The model list must include only trainings that meet the minimum standards established in the rules adopted under (c) of this subsection and any three-hour trainings that met the requirements of this section on or before July 24, 2015;

(ii) The model list must include six-hour trainings in suicide assessment, treatment, and management, and three-hour trainings that include only screening and referral elements; and

(iii) A person or entity providing the training required in this section may petition the department for inclusion on the model list. The department shall add the training to the list only if the department determines that the training meets the minimum standards established in the rules adopted under (c) of this subsection.

(e) By January 1, 2021, the department shall adopt minimum standards for advanced training and training in treatment modalities shown to be effective in working with people who are suicidal. Beginning July 1, 2021, all such training on the model list must meet the minimum standards. When adopting the minimum standards, the department must consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations.

(7) The department shall provide the health profession training standards created in this section to the professional educator standards board as a model in meeting the requirements of RCW 28A.410.226 and provide technical assistance, as requested, in the review and evaluation of educator training programs. The educator training programs approved by the professional educator standards board may be included in the department's model list.

(8) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under chapter 18.130 RCW.

(9) The secretary and the disciplining authorities affected by this section shall adopt any rules necessary to implement this section.

(10) For purposes of this section:



(a) "Disciplining authority" has the same meaning as in RCW 18.130.020.

(b) "Training in suicide assessment, treatment, and management" means empirically supported training approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management. However, the disciplining authority may approve training that includes only screening and referral elements if appropriate for the profession in question based on the profession's scope of practice. The board of occupational therapy may also approve training that includes only screening and referral elements if appropriate for occupational therapy practitioners based on practice setting.

(11) A state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(12) An employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 71.24 RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

**Sec. 5.** RCW 71.24.890 and 2021 c 302 s 102 are each amended to read as follows:

(1) Establishing the state ~~((crisis call center))~~designated 988 contact hubs and enhancing the crisis response system will require collaborative work between the department and the authority within their respective roles. The department shall have primary responsibility for establishing and designating the ~~((crisis call center))~~designated 988 contact hubs. The authority shall have primary responsibility for developing and implementing the crisis response system and services to support the work of the ~~((crisis call center))~~designated 988 contact hubs. In any instance in which one agency is identified as the lead, the expectation is that agency will be communicating and collaborating with the other to ensure seamless, continuous, and effective service delivery within the statewide crisis response system.

(2) The department shall provide adequate funding for the state's crisis call centers to meet an expected increase in the use of the call centers based on the implementation of the 988 crisis hotline. The funding level shall be established at a level anticipated to achieve an in-state call response rate of at least 90 percent by July 22, 2022. The funding level shall be determined by considering standards and cost per call

predictions provided by the administrator of the national suicide prevention lifeline, call volume predictions, guidance on crisis call center performance metrics, and necessary technology upgrades. In contracting with the crisis call centers, the department:

(a) May provide funding to support crisis call centers and designated 988 contact hubs to enter into limited on-site partnerships with the public safety answering point to increase the coordination and transfer of behavioral health calls received by certified public safety telecommunicators that are better addressed by clinic interventions provided by the 988 system. Tax revenue may be used to support on-site partnerships;

(b) Shall require that crisis call centers enter into data-sharing agreements, when appropriate, with the department, the authority, and applicable regional behavioral health administrative services organizations to provide reports and client level data regarding 988 crisis hotline calls, as allowed by and in compliance with existing federal and state law governing the sharing and use of protected health information, including dispatch time, arrival time, and disposition of the outreach for each call referred for outreach by each region. The department and the authority shall establish requirements that the crisis call centers report the data identified in this subsection (2)(b) to regional behavioral health administrative services organizations for the purposes of maximizing medicaid reimbursement, as appropriate, and implementing this chapter and chapters 71.05 and 71.34 RCW including, but not limited to, administering crisis services for the assigned regional service area, contracting with a sufficient number or licensed or certified providers for crisis services, establishing and maintaining quality assurance processes, maintaining patient tracking, and developing and implementing strategies to coordinate care for individuals with a history of frequent crisis system utilization.

(3) The department shall adopt rules by ~~((July))~~January 1, ((2023))2025, to establish standards for designation of crisis call centers as ~~((crisis call center))~~designated 988 contact hubs. The department shall collaborate with the authority and other agencies to assure coordination and availability of services, and shall consider national guidelines for behavioral health crisis care as determined by the federal substance abuse and mental health services administration, national behavioral health accrediting bodies, and national behavioral health provider associations to the extent they are appropriate, and recommendations from the crisis response improvement strategy committee created in RCW 71.24.892.

(4) The department shall designate ~~((crisis call center))~~designated 988 contact hubs by ~~((July))~~January 1, ((2024))2026. The ~~((crisis call center))~~designated 988 contact hubs shall provide crisis intervention services, triage, care coordination, referrals, and connections to individuals contacting the 988 crisis hotline from any

jurisdiction within Washington 24 hours a day, seven days a week, using the system platform developed under subsection (5) of this section.

(a) To be designated as a ~~((crisis call center))~~ designated 988 contact hub, the applicant must demonstrate to the department the ability to comply with the requirements of this section and to contract to provide ~~((crisis call center))~~ designated 988 contact hub services. The department may revoke the designation of any ~~((crisis call center))~~ designated 988 contact hub that fails to substantially comply with the contract.

(b) The contracts entered shall require designated ~~((crisis call center))~~ 988 contact hubs to:

(i) Have an active agreement with the administrator of the national suicide prevention lifeline for participation within its network;

(ii) Meet the requirements for operational and clinical standards established by the department and based upon the national suicide prevention lifeline best practices guidelines and other recognized best practices;

(iii) Employ highly qualified, skilled, and trained clinical staff who have sufficient training and resources to provide empathy to callers in acute distress, de-escalate crises, assess behavioral health disorders and suicide risk, triage to system partners for callers that need additional clinical interventions, and provide case management and documentation. Call center staff shall be trained to make every effort to resolve cases in the least restrictive environment and without law enforcement involvement whenever possible. Call center staff shall coordinate with certified peer counselors to provide follow-up and outreach to callers in distress as available. It is intended for transition planning to include a pathway for continued employment and skill advancement as needed for experienced crisis call center employees;

(iv) Train employees to screen persons contacting the designated 988 contact hub to determine if they are associated with the agricultural community and if they prefer to be connected to a crisis hotline that specializes in working with members from the agricultural community. The training shall prepare staff to be able to provide appropriate assessments, interventions, and resources to members of the agricultural community in a way that maintains the anonymity of the person making contact;

(v) Prominently display 988 crisis hotline information on their websites, including a description of what the caller should expect when contacting the crisis call center and a description of the various options available to the caller, including call lines specialized in the behavioral health needs of veterans, American Indian and Alaska Native persons, Spanish-speaking persons, LGBTQ populations, and persons connected with the agricultural community;

(vi) Collaborate with the authority, the national suicide prevention lifeline, and veterans crisis line networks to assure consistency of public messaging about the 988 crisis hotline; ~~((and~~

~~((v))~~ (vii) Develop and submit to the department protocols between the designated 988 contact hub and 911 call centers within the region in which the designated crisis call center operates and receive approval of the protocols by the department and the state 911 coordination office;

(viii) Develop, in collaboration with the region's behavioral health administrative services organizations, and jointly submit to the authority protocols related to the dispatching of mobile rapid response crisis teams and community-based crisis teams endorsed under section 8 of this act and receive approval of the protocols by the authority;

(ix) Provide data and reports and participate in evaluations and related quality improvement activities, according to standards established by the department in collaboration with the authority. The data must include deidentified information regarding the number of contacts connected to the agricultural community and the nature of those contacts; and

(x) Enter into data-sharing agreements with the department, the authority, and applicable regional behavioral health administrative services organizations to provide reports and client level data regarding 988 crisis hotline calls, including dispatch time, arrival time, and disposition of the outreach for each call referred for outreach by each region. The department and the authority shall establish requirements that the designated 988 contact hubs report the data identified in this subsection (4)(b)(x) to regional behavioral health administrative services organizations for the purposes of maximizing medicaid reimbursement, as appropriate, and implementing this chapter and chapters 71.05 and 71.34 RCW including, but not limited to, administering crisis services for the assigned regional service area, contracting with a sufficient number or licensed or certified providers for crisis services, establishing and maintaining quality assurance processes, maintaining patient tracking, and developing and implementing strategies to coordinate care for individuals with a history of frequent crisis system utilization.

(c) The department and the authority shall incorporate recommendations from the crisis response improvement strategy committee created under RCW 71.24.892 in its agreements with ~~((crisis call center))~~ designated 988 contact hubs, as appropriate.

(5) The department and authority must coordinate to develop the technology and platforms necessary to manage and operate the behavioral health crisis response and suicide prevention system. The department and the authority must include the crisis call centers and designated 988 contact hubs in the decision-making process for selecting any technology platforms that will be used to operate the system. No decisions made by the department or the authority shall interfere with the routing of the 988 crisis hotline calls, texts, or chat as part of Washington's active agreement with the administrator of the national suicide prevention lifeline or 988 administrator

that routes 988 contacts into Washington's system. The technologies developed must include:

(a) A new technologically advanced behavioral health and suicide prevention crisis call center system platform ((using technology demonstrated to be interoperable across crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services)) for use in ((crisis call center)) designated 988 contact hubs designated by the department under subsection (4) of this section. This platform, which shall be fully funded by July 1, ((2023))2024, shall be developed by the department and must include the capacity to receive crisis assistance requests through phone calls, texts, chats, and other similar methods of communication that may be developed in the future that promote access to the behavioral health crisis system; and

(b) A behavioral health integrated client referral system capable of providing system coordination information to ((crisis call center)) designated 988 contact hubs and the other entities involved in behavioral health care. This system shall be developed by the authority.

(6) In developing the new technologies under subsection (5) of this section, the department and the authority must coordinate to designate a primary technology system to provide each of the following:

(a) Access to real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services, including:

(i) Real-time bed availability for all behavioral health bed types, including but not limited to crisis stabilization services, triage facilities, psychiatric inpatient, substance use disorder inpatient, withdrawal management, peer-run respite centers, and crisis respite services, inclusive of both voluntary and involuntary beds, for use by crisis response workers, first responders, health care providers, emergency departments, and individuals in crisis; and

(ii) Real-time information relevant to the coordination of behavioral health crisis response and suicide prevention services for a person, including the means to access:

(A) Information about any less restrictive alternative treatment orders or mental health advance directives related to the person; and

(B) Information necessary to enable the ((crisis call center)) designated 988 contact hub to actively collaborate with emergency departments, primary care providers and behavioral health providers within managed care organizations, behavioral health administrative services organizations, and other health care payers to establish a safety plan for the person in accordance with best practices and provide the next steps for the person's transition to follow-up noncrisis care. To establish information-sharing guidelines that fulfill the intent of this section the authority shall consider input from the confidential information compliance and coordination subcommittee established under RCW 71.24.892;

~~((b) The means to request deployment of appropriate crisis response services, which may include mobile rapid response crisis teams, co-responder teams, designated crisis responders, fire department mobile integrated health teams, or community assistance referral and educational services programs under RCW 35.21.930, according to best practice guidelines established by the authority, and track local response through global positioning technology; and~~

~~((e))~~ The means to track the outcome of the 988 call to enable appropriate follow up, cross-system coordination, and accountability, including as appropriate: (i) Any immediate services dispatched and reports generated from the encounter; (ii) the validation of a safety plan established for the caller in accordance with best practices; (iii) the next steps for the caller to follow in transition to noncrisis follow-up care, including a next-day appointment for callers experiencing urgent, symptomatic behavioral health care needs; and (iv) the means to verify and document whether the caller was successful in making the transition to appropriate noncrisis follow-up care indicated in the safety plan for the person, to be completed either by the care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the ((crisis call center)) designated 988 contact hub;

~~((d))~~ (c) A means to facilitate actions to verify and document whether the person's transition to follow up noncrisis care was completed and services offered, to be performed by a care coordinator provided through the person's managed care organization, health plan, or behavioral health administrative services organization, or if such a care coordinator is not available or does not follow through, by the staff of the ((crisis call center)) designated 988 contact hub;

~~((e))~~ (d) The means to provide geographically, culturally, and linguistically appropriate services to persons who are part of high-risk populations or otherwise have need of specialized services or accommodations, and to document these services or accommodations; and

~~((f))~~ (e) When appropriate, consultation with tribal governments to ensure coordinated care in government-to-government relationships, and access to dedicated services to tribal members.

(7) ~~((To implement this section the department and the authority shall collaborate with the state enhanced 911 coordination office, emergency management division, and military department to develop technology that is demonstrated to be interoperable between the 988 crisis hotline system and crisis and emergency response systems used throughout the state, such as 911 systems, emergency medical services systems, and other nonbehavioral health crisis services, as well as the national suicide prevention lifeline, to assure cohesive interoperability, develop training programs and operations for both 911 public~~

~~safety telecommunicators and crisis line workers, develop suicide and other behavioral health crisis assessments and intervention strategies, and establish efficient and equitable access to resources via crisis hotlines.~~

~~(8))~~ The authority shall:

(a) Collaborate with county authorities and behavioral health administrative services organizations to develop procedures to dispatch behavioral health crisis services in coordination with ~~((crisis call center))~~ designated 988 contact hubs to effectuate the intent of this section;

(b) Establish formal agreements with managed care organizations and behavioral health administrative services organizations by January 1, 2023, to provide for the services, capacities, and coordination necessary to effectuate the intent of this section, which shall include a requirement to arrange next-day appointments for persons contacting the 988 crisis hotline experiencing urgent, symptomatic behavioral health care needs with geographically, culturally, and linguistically appropriate primary care or behavioral health providers within the person's provider network, or, if uninsured, through the person's behavioral health administrative services organization;

(c) Create best practices guidelines by July 1, 2023, for deployment of appropriate and available crisis response services by ~~((crisis call center))~~ designated 988 contact hubs to assist 988 hotline callers to minimize nonessential reliance on emergency room services and the use of law enforcement, considering input from relevant stakeholders and recommendations made by the crisis response improvement strategy committee created under RCW 71.24.892;

(d) Develop procedures to allow appropriate information sharing and communication between and across crisis and emergency response systems for the purpose of real-time crisis care coordination including, but not limited to, deployment of crisis and outgoing services, follow-up care, and linked, flexible services specific to crisis response; ~~((and))~~

(e) Establish guidelines to appropriately serve high-risk populations who request crisis services. The authority shall design these guidelines to promote behavioral health equity for all populations with attention to circumstances of race, ethnicity, gender, socioeconomic status, sexual orientation, and geographic location, and include components such as training requirements for call response workers, policies for transferring such callers to an appropriate specialized center or subnetwork within or external to the national suicide prevention lifeline network, and procedures for referring persons who access the 988 crisis hotline to linguistically and culturally competent care; and

(f) Monitor trends in 988 crisis hotline caller data, as reported by designated 988 contact hubs in subsection (4)(b)(x) of this section and submit an annual report to the governor and the appropriate committees of the legislature summarizing the data and trends in the information beginning December 1, 2027.

**Sec. 6.** RCW 71.24.892 and 2021 c 302 s 103 are each amended to read as follows:

(1) The crisis response improvement strategy committee is established for the purpose of providing advice in developing an integrated behavioral health crisis response and suicide prevention system containing the elements described in this section. The work of the committee shall be received and reviewed by a steering committee, which shall in turn form subcommittees to provide the technical analysis and input needed to formulate system change recommendations.

(2) The ~~((office of financial management shall contract with the))~~ behavioral health institute at Harborview medical center ~~((to))~~ shall facilitate and provide staff support to the steering committee and to the crisis response improvement strategy committee. The behavioral health institute may contract for the provision of these services.

(3) The steering committee shall consist of the five members specified as serving on the steering committee in this subsection and one additional member who has been appointed to serve pursuant to the criteria in either (j), (k), (l), or (m) of this subsection. The steering committee shall select three cochairs from among its members to lead the crisis response improvement strategy committee. The crisis response improvement strategy committee shall consist of the following members, who shall be appointed or requested by the authority, unless otherwise noted:

(a) The director of the authority, or his or her designee, who shall also serve on the steering committee;

(b) The secretary of the department, or his or her designee, who shall also serve on the steering committee;

(c) A member representing the office of the governor, who shall also serve on the steering committee;

(d) The Washington state insurance commissioner, or his or her designee;

(e) Up to two members representing federally recognized tribes, one from eastern Washington and one from western Washington, who have expertise in behavioral health needs of their communities;

(f) One member from each of the two largest caucuses of the senate, one of whom shall also be designated to participate on the steering committee, to be appointed by the president of the senate;

(g) One member from each of the two largest caucuses of the house of representatives, one of whom shall also be designated to participate on the steering committee, to be appointed by the speaker of the house of representatives;

(h) The director of the Washington state department of veterans affairs, or his or her designee;

(i) The state ~~((enhanced))~~ 911 coordinator, or his or her designee;

(j) A member with lived experience of a suicide attempt;

(k) A member with lived experience of a suicide loss;

(l) A member with experience of participation in the crisis system related to lived experience of a mental health disorder;

(m) A member with experience of participation in the crisis system related to lived experience with a substance use disorder;

(n) A member representing each crisis call center in Washington that is contracted with the national suicide prevention lifeline;

(o) Up to two members representing behavioral health administrative services organizations, one from an urban region and one from a rural region;

(p) A member representing the Washington council for behavioral health;

(q) A member representing the association of alcoholism and addiction programs of Washington state;

(r) A member representing the Washington state hospital association;

(s) A member representing the national alliance on mental illness Washington;

(t) A member representing the behavioral health interests of persons of color recommended by Sea Mar community health centers;

(u) A member representing the behavioral health interests of persons of color recommended by Asian counseling and referral service;

(v) A member representing law enforcement;

(w) A member representing a university-based suicide prevention center of excellence;

(x) A member representing an emergency medical services department with a CARES program;

(y) A member representing medicaid managed care organizations, as recommended by the association of Washington healthcare plans;

(z) A member representing commercial health insurance, as recommended by the association of Washington healthcare plans;

(aa) A member representing the Washington association of designated crisis responders;

(bb) A member representing the children and youth behavioral health work group;

(cc) A member representing a social justice organization addressing police accountability and the use of deadly force; and

(dd) A member representing an organization specializing in facilitating behavioral health services for LGBTQ populations.

(4) The crisis response improvement strategy committee shall assist the steering committee to identify potential barriers and make recommendations necessary to implement and effectively monitor the progress of the 988 crisis hotline in Washington and make recommendations for the statewide improvement of behavioral health crisis response and suicide prevention services.

(5) The steering committee must develop a comprehensive assessment of the behavioral health crisis response and suicide prevention services system by January 1, 2022, including an inventory of existing statewide and regional behavioral health crisis response, suicide prevention, and crisis stabilization services and resources, and taking into account capital projects which are planned and funded. The comprehensive assessment shall identify:

(a) Statewide and regional insufficiencies and gaps in behavioral health crisis response and suicide prevention services and resources needed to meet population needs;

(b) Quantifiable goals for the provision of statewide and regional behavioral health crisis services and targeted deployment of resources, which consider factors such as reported rates of involuntary commitment detentions, single-bed certifications, suicide attempts and deaths, substance use disorder-related overdoses, overdose or withdrawal-related deaths, and incarcerations due to a behavioral health incident;

(c) A process for establishing outcome measures, benchmarks, and improvement targets, for the crisis response system; and

(d) Potential funding sources to provide statewide and regional behavioral health crisis services and resources.

(6) The steering committee, taking into account the comprehensive assessment work under subsection (5) of this section as it becomes available, after discussion with the crisis response improvement strategy committee and hearing reports from the subcommittees, shall report on the following:

(a) A recommended vision for an integrated crisis network in Washington that includes, but is not limited to: An integrated 988 crisis hotline and (~~crisis call center~~) designated 988 contact hubs; mobile rapid response crisis teams and community-based crisis teams endorsed under section 8 of this act; mobile crisis response units for youth, adult, and geriatric population; a range of crisis stabilization services; an integrated involuntary treatment system; access to peer-run services, including peer-run respite centers; adequate crisis respite services; and data resources;

(b) Recommendations to promote equity in services for individuals of diverse circumstances of culture, race, ethnicity, gender, socioeconomic status, sexual orientation, and for individuals in tribal, urban, and rural communities;

(c) Recommendations for a work plan with timelines to implement appropriate local responses to calls to the 988 crisis hotline within Washington in accordance with the time frames required by the national suicide hotline designation act of 2020;

(d) The necessary components of each of the new technologically advanced behavioral health crisis call center system platform and the new behavioral health integrated client referral system, as provided under RCW 71.24.890, for assigning and tracking response to behavioral health crisis calls and providing real-time bed and outpatient appointment availability to 988 operators, emergency departments, designated crisis responders, and other behavioral health crisis responders, which shall include but not be limited to:

(i) Identification of the components (~~crisis call center~~) that designated 988 contact hub staff need to effectively coordinate crisis response services and find available beds and available primary care

and behavioral health outpatient appointments;

(ii) Evaluation of existing bed tracking models currently utilized by other states and identifying the model most suitable to Washington's crisis behavioral health system;

(iii) Evaluation of whether bed tracking will improve access to all behavioral health bed types and other impacts and benefits; and

(iv) Exploration of how the bed tracking and outpatient appointment availability platform can facilitate more timely access to care and other impacts and benefits;

(e) The necessary systems and capabilities that licensed or certified behavioral health agencies, behavioral health providers, and any other relevant parties will require to report, maintain, and update inpatient and residential bed and outpatient service availability in real time to correspond with the crisis call center system platform or behavioral health integrated client referral system identified in RCW 71.24.890, as appropriate;

(f) A work plan to establish the capacity for the ~~((crisis call center))~~ designated 988 contact hubs to integrate Spanish language interpreters and Spanish-speaking call center staff into their operations, and to ensure the availability of resources to meet the unique needs of persons in the agricultural community who are experiencing mental health stresses, which explicitly addresses concerns regarding confidentiality;

(g) A work plan with timelines to enhance and expand the availability of ~~((community-based))~~ mobile rapid response crisis teams and community-based crisis teams endorsed under section 8 of this act based in each region, including specialized teams as appropriate to respond to the unique needs of youth, including American Indian and Alaska Native youth and LGBTQ youth, and geriatric populations, including older adults of color and older adults with comorbid dementia;

(h) The identification of other personal and systemic behavioral health challenges which implementation of the 988 crisis hotline has the potential to address in addition to suicide response and behavioral health crises;

(i) The development of a plan for the statewide equitable distribution of crisis stabilization services, behavioral health beds, and peer-run respite services;

(j) Recommendations concerning how health plans, managed care organizations, and behavioral health administrative services organizations shall fulfill requirements to provide assignment of a care coordinator and to provide next-day appointments for enrollees who contact the behavioral health crisis system;

(k) Appropriate allocation of crisis system funding responsibilities among medicaid managed care organizations, commercial insurers, and behavioral health administrative services organizations;

(l) Recommendations for constituting a statewide behavioral health crisis response and suicide prevention oversight board or similar structure for ongoing monitoring of

the behavioral health crisis system and where this should be established; and

(m) Cost estimates for each of the components of the integrated behavioral health crisis response and suicide prevention system.

(7) The steering committee shall consist only of members appointed to the steering committee under this section. The steering committee shall convene the committee, form subcommittees, assign tasks to the subcommittees, and establish a schedule of meetings and their agendas.

(8) The subcommittees of the crisis response improvement strategy committee shall focus on discrete topics. The subcommittees may include participants who are not members of the crisis response improvement strategy committee, as needed to provide professional expertise and community perspectives. Each subcommittee shall have at least one member representing the interests of stakeholders in a rural community, at least one member representing the interests of stakeholders in an urban community, and at least one member representing the interests of youth stakeholders. The steering committee shall form the following subcommittees:

(a) A Washington tribal 988 subcommittee, which shall examine and make recommendations with respect to the needs of tribes related to the 988 system, and which shall include representation from the American Indian health commission;

(b) A credentialing and training subcommittee, to recommend workforce needs and requirements necessary to implement chapter 302, Laws of 2021, including minimum education requirements such as whether it would be appropriate to allow ~~((crisis call center))~~ designated 988 contact hubs to employ clinical staff without a bachelor's degree or master's degree based on the person's skills and life or work experience;

(c) A technology subcommittee, to examine issues and requirements related to the technology needed to implement chapter 302, Laws of 2021;

(d) A cross-system crisis response collaboration subcommittee, to examine and define the complementary roles and interactions between mobile rapid response crisis teams and community-based crisis teams endorsed under section 8 of this act, designated crisis responders, law enforcement, emergency medical services teams, 911 and 988 operators, public and private health plans, behavioral health crisis response agencies, nonbehavioral health crisis response agencies, and others needed to implement chapter 302, Laws of 2021;

(e) A confidential information compliance and coordination subcommittee, to examine issues relating to sharing and protection of health information needed to implement chapter 302, Laws of 2021; ~~((and))~~

(f) A 988 geolocation subcommittee, to examine privacy issues related to federal planning efforts to route 988 crisis hotline calls based on the person's location, rather than area code, including ways to implement the federal efforts in a manner that maintains public and clinical confidence in the 988 crisis hotline. The 988 geolocation

subcommittee must include persons with lived experience with behavioral health conditions as well as representatives of crisis call centers, the behavioral health interests of persons of color, and behavioral health providers; and

(g) Any other subcommittee needed to facilitate the work of the committee, at the discretion of the steering committee.

(9) The proceedings of the crisis response improvement strategy committee must be open to the public and invite testimony from a broad range of perspectives. The committee shall seek input from tribes, veterans, the LGBTQ community, and communities of color to help discern how well the crisis response system is currently working and recommend ways to improve the crisis response system.

(10) Legislative members of the crisis response improvement strategy committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(11) The steering committee, with the advice of the crisis response improvement strategy committee, shall provide a progress report and the result of its comprehensive assessment under subsection (5) of this section to the governor and appropriate policy and fiscal committee of the legislature by January 1, 2022. The steering committee shall report the crisis response improvement strategy committee's further progress and the steering committee's recommendations related to ~~((crisis call center))~~ designated 988 contact hubs to the governor and appropriate policy and fiscal committees of the legislature by January 1, 2023, and January 1, 2024. The steering committee shall provide its final report to the governor and the appropriate policy and fiscal committees of the legislature by January 1, ~~((2024))~~ 2025.

(12) This section expires June 30, ~~((2024))~~ 2025.

**Sec. 7.** RCW 71.24.896 and 2021 c 302 s 108 are each amended to read as follows:

(1) When acting in their statutory capacities pursuant to chapter 302, Laws of 2021, the state, department, authority, state ~~((enhanced))~~ 911 coordination office, emergency management division, military department, any other state agency, and their officers, employees, and agents are deemed to be carrying out duties owed to the public in general and not to any individual person or class of persons separate and apart from the public. Nothing contained in chapter 302, Laws of 2021 may be construed to evidence a legislative intent that the duties to be performed by the state, department, authority, state ~~((enhanced))~~ 911 coordination office, emergency management division, military department, any other state agency, and their officers, employees, and agents, as required by chapter 302, Laws of 2021, are owed to any

individual person or class of persons separate and apart from the public in general.

(2) Each ~~((crisis call center))~~ designated 988 contact hub designated by the department under any contract or agreement pursuant to chapter 302, Laws of 2021 shall be deemed to be an independent contractor, separate and apart from the department and the state.

**NEW SECTION. Sec. 8.** A new section is added to chapter 71.24 RCW to read as follows:

(1) By April 1, 2024, the authority shall establish standards for issuing an endorsement to any mobile rapid response crisis team or community-based crisis team that meets the criteria under either subsection (2) or (3) of this section, as applicable. The endorsement is a voluntary credential that a mobile rapid response crisis team or community-based crisis team may obtain to signify that it maintains the capacity to respond to persons who are experiencing a significant behavioral health emergency requiring an urgent, in-person response. The attainment of an endorsement allows the mobile rapid response crisis team or community-based crisis team to become eligible for performance payments as provided in subsection (10) of this section.

(2) The authority's standards for issuing an endorsement to a mobile rapid response crisis team or a community-based crisis team must consider:

(a) Minimum staffing requirements to effectively respond in-person to individuals experiencing a significant behavioral health emergency. Except as provided in subsection (3) of this section, the team must include appropriately credentialed and supervised staff employed by a licensed or certified behavioral health agency and may include other personnel from participating entities listed in subsection (3) of this section. The team shall include certified peer counselors as a best practice to the extent practicable based on workforce availability. The team may include fire departments, emergency medical services, public health, medical facilities, nonprofit organizations, and city or county governments. The team may not include law enforcement personnel;

(b) Capabilities for transporting an individual experiencing a significant behavioral health emergency to a location providing appropriate level crisis stabilization services, as determined by regional transportation procedures, such as crisis receiving centers, crisis stabilization units, and triage facilities. The standards must include vehicle and equipment requirements, including minimum requirements for vehicles and equipment to be able to safely transport the individual, as well as communication equipment standards. The vehicle standards must allow for an ambulance or aid vehicle licensed under chapter 18.73 RCW to be deemed to meet the standards; and

(c) Standards for the initial and ongoing training of personnel and for providing clinical supervision to personnel.

(3) The authority must adjust the standards for issuing an endorsement to a

community-based crisis team under subsection (2) of this section if the team is comprised solely of an emergency medical services agency, whether it is part of a fire service agency or a private entity, that is located in a rural county in eastern Washington with a population of less than 60,000 residents. Under the adjusted standards, until January 1, 2030, the authority shall exempt a team from the personnel standards under subsection (2)(a) of this section and issue an endorsement to a team if:

(a) The personnel assigned to the team have met training requirements established by the authority under subsection (2)(c) of this section, as those requirements apply to emergency medical service and fire service personnel, including completion of the three-hour training in suicide assessment, treatment, and management under RCW 43.70.442;

(b) The team operates under a memorandum of understanding with a licensed or certified behavioral health agency to provide direct, real-time consultation through a behavioral health provider employed by a licensed or certified behavioral health agency while the team is responding to a call. The consultation may be provided by telephone, through remote technologies, or, if circumstances allow, in person; and

(c) The team does not include law enforcement personnel.

(4) Prior to issuing an initial endorsement or renewing an endorsement, the authority shall conduct an on-site survey of the applicant's operation.

(5) An endorsement must be renewed every three years.

(6) The authority shall establish forms and procedures for issuing and renewing an endorsement.

(7) The authority shall establish procedures for the denial, suspension, or revocation of an endorsement.

(8)(a) The decision of a mobile rapid response crisis team or community-based crisis team to seek endorsement is voluntary and does not prohibit a nonendorsed team from participating in the crisis response system when (i) responding to individuals who are not experiencing a significant behavioral health emergency that requires an urgent in-person response or (ii) responding to individuals who are experiencing a significant behavioral health emergency that requires an urgent in-person response when there is not an endorsed team available.

(b) The decision of a mobile rapid response crisis team not to pursue an endorsement under this section does not affect its obligation to comply with any standards adopted by the authority with respect to mobile rapid response crisis teams.

(c) The decision of a mobile rapid response crisis team not to pursue an endorsement under this section does not affect its responsibilities and reimbursement for services as they may be defined in contracts with managed care organizations or behavioral health administrative services organizations.

(9) The costs associated with endorsement activities shall be supported with funding

from the statewide 988 behavioral health crisis response and suicide prevention line account established in RCW 82.86.050.

(10) The authority shall establish an endorsed mobile rapid response crisis team and community-based crisis team performance program with receipts from the statewide 988 behavioral health crisis response and suicide prevention line account.

(a) Subject to funding provided for this specific purpose, the performance program shall:

(i) Issue establishment grants to support mobile rapid response crisis teams and community-based crisis teams seeking to meet the elements necessary to become endorsed under either subsection (2) or (3) of this section;

(ii) Issue performance payments in the form of an enhanced case rate to mobile rapid response crisis teams and community-based crisis teams that have received an endorsement from the authority under either subsection (2) or (3) of this section; and

(iii) Issue supplemental performance payments in the form of an enhanced case rate higher than that available in (a)(ii) of this subsection (10) to mobile rapid response crisis teams and community-based crisis teams that have received an endorsement from the authority under either subsection (2) or (3) of this section and demonstrate to the authority that for the previous three months they met the following response time and in route time standards:

(A) Between January 1, 2025, through December 31, 2026:

(I) Arrive to the individual's location within 30 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in urban areas;

(II) Arrive to the individual's location within 40 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in suburban areas; and

(III) Be in route within 15 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in rural areas; and

(B) On and after January 1, 2027:

(I) Arrive to the individual's location within 20 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in urban areas;

(II) Arrive to the individual's location within 30 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in suburban areas; and

(III) Be in route within 10 minutes of being dispatched by the designated 988 contact hub, at least 80 percent of the time in rural areas.

(b) The authority shall design the program in a manner that maximizes the state's ability to receive federal matching funds.

(11) The authority shall contract with the actuaries responsible for development of Medicaid managed care rates to conduct an analysis and develop options for payment mechanisms and levels for rate enhancements under subsection (10) of this section. The authority shall consult with staff from the office of financial management and the fiscal committees of the legislature in conducting this analysis. The payment



mechanisms must be developed to maximize leverage of allowable federal medicaid match. The analysis must clearly identify assumptions, include cost projections for the rate level options broken out by fund source, and summarize data used for the cost analysis. The cost projections must be based on Washington state specific utilization and cost data. The analysis must identify low, medium, and high ranges of projected costs associated for each option accounting for varying scenarios regarding the numbers of teams estimated to qualify for the enhanced case rates and supplemental performance payments. The analysis must identify costs for both medicaid clients, and for state-funded nonmedicaid clients paid through contracts with behavioral health administrative services organizations. The analysis must account for phasing in of the number of teams that meet endorsement criteria over time and project annual costs for a four-year period associated with each of the scenarios. The authority shall submit a report summarizing the analysis, payment mechanism options, enhanced performance payment and supplemental performance payment rate level options, and related cost estimates to the office of financial management and the appropriate committees of the legislature by December 1, 2023.

(12) The authority shall conduct a review of the endorsed community-based crisis teams established under subsection (3) of this section and report to the governor and the health policy committees of the legislature by December 1, 2028. The report shall provide information about the engagement of the community-based crisis teams receiving an endorsement under subsection (3) of this section and their ability to provide a timely and appropriate response to persons experiencing a behavioral health crisis and any recommended changes to the teams to better meet the needs of the community including personnel requirements, training standards, and behavioral health provider consultation.

**Sec. 9.** RCW 82.86.050 and 2021 c 302 s 205 are each amended to read as follows:

(1) The statewide 988 behavioral health crisis response and suicide prevention line account is created in the state treasury. All receipts from the statewide 988 behavioral health crisis response and suicide prevention line tax imposed pursuant to this chapter must be deposited into the account. Moneys may only be spent after appropriation.

(2) Expenditures from the account may only be used for:

(a) ~~((ensuring))~~ Ensuring the efficient and effective routing of calls made to the 988 crisis hotline to an appropriate crisis hotline center or ~~((crisis—call center))~~ designated 988 contact hub; and

(b) ~~((personnel))~~ Personnel and the provision of acute behavioral health, crisis outreach, and crisis stabilization services, as defined in RCW 71.24.025, by directly responding to the 988 crisis hotline and enhancing mobile crisis service standards and performance provided through mobile rapid response crisis teams and community-

based crisis teams endorsed under section 8 of this act. Ten percent of the annual receipts from the tax must be dedicated to the establishment grants, performance payments, and supplemental performance payments for mobile rapid response crisis teams and community-based crisis teams endorsed under section 8 of this act and endorsement activities in section 8 of this act, up to 30 percent of which is dedicated to mobile rapid response crisis teams and community-based crisis teams endorsed under section 8 of this act that are affiliated with a tribe in Washington.

(3) Moneys in the account may not be used to supplant general fund appropriations for behavioral health services or for medicaid covered services to individuals enrolled in the medicaid program.

**NEW SECTION. Sec. 10.** A new section is added to chapter 28B.20 RCW to read as follows:

(1)(a) The University of Washington school of social work, in consultation with the Washington council for behavioral health and the state's behavioral health administrative services organizations, shall plan for regional collaboration among behavioral health providers and first responders working within the 988 crisis response and suicide prevention system, standardize practices and protocols, and develop a needs assessment for trainings.

(b) The University of Washington shall convene, at a minimum, the following key stakeholders to assist in developing an assessment of training needs, a mapping of current and future funded crisis response providers, and a comprehensive review of all behavioral health training required in statute and in rule:

(i) At least two representatives from the behavioral health administrative services organizations, one from each side of the Cascade crest;

(ii) At least three crisis services providers identified by the Washington council for behavioral health, one from each side of the Cascade crest, and one dedicated to serving communities of color;

(iii) A representative of crisis call centers;

(iv) At least two members who are persons with lived experience related to mental health issues, substance use disorder issues, a suicide attempt, or a suicide loss; and

(v) A representative of a statewide organization of field experts consisting of first responders, behavioral health professionals, and project managers working in co-response programs in Washington.

(c) When making recommendations on future crisis provider training needs related to serving persons with developmental disabilities, veterans, American Indians and Alaska Native populations, LGBTQ populations, and persons connected with the agricultural community, the University of Washington school of social work must solicit public comment on the needs assessment from advocates from those populations and others as deemed appropriate by the stakeholder group, including persons

with lived experience related to mental health issues, substance use disorder issues, a suicide attempt, or a suicide loss.

(d) The training needs assessment, mapping of crisis providers, and research on existing training requirements must be completed by June 30, 2024.

(2) The University of Washington school of social work, in collaboration with the stakeholder group established in subsection (1) of this section, shall develop recommendations for establishing crisis workforce and resilience training collaboratives that would offer voluntary regional trainings for behavioral health providers, peers, first responders, co-responders, 988 contact center personnel, designated 988 contact hub personnel, 911 operators, and interested members of the public, specific to a geographic region and the population they serve as informed by the needs assessment. The collaboratives shall encourage the development of foundational and advanced skills and practices in crisis response as well as foster regional collaboration. The recommendations must:

(a) Include strategies for better coordination and integration of 988-specific training into the broader scope of behavioral health trainings that are already required;

(b) Identify effective trainings to explain how the 988 system works with the 911 emergency response system, trauma-informed care, secondary trauma, suicide protocols and practices for crisis responders, supervisory best practices for first responders, lethal means safety, violence assessments, cultural competency, and essential care for serving individuals with serious mental illness, substance use disorder, or co-occurring disorders;

(c) Identify best practice approaches to working with veterans, intellectually and developmentally disabled populations, youth, LGBTQ populations, communities of color, agricultural communities, and American Indian and Alaska Native populations;

(d) Identify ways to provide the designated 988 contact hubs and other crisis providers with training that is tailored to the agricultural community using training that is agriculture-specific with information relating to the stressors unique to persons connected with the agricultural community such as weather conditions, financial obligations, market conditions, and other relevant issues. When developing the recommendations, consideration must be given to national experts, such as the AgriSafe network and other entities;

(e) Identify ways to promote a better informed and more involved community on topics related to the behavioral health crisis system by increasing public access to and participation in trainings on the topics identified in (b) and (c) of this subsection (2), including through remote audiovisual technology;

(f) Establish suggested protocols for ways to sustain the collaboratives as new mobile rapid response crisis teams and community-based crisis teams endorsed under section 8 of this act, co-responder teams,

and crisis facilities are funded and operationalized;

(g) Discuss funding needs to sustain the collaboratives and support participation in attending the trainings; and

(h) Offer a potential timeline for implementing the collaboratives on a region-by-region basis.

(3) The University of Washington school of social work shall submit a report on the items developed in this section to the governor and the appropriate committees of the legislature by December 31, 2024. Prior to submission of the report, the University of Washington school of social work shall consult with the department of health and the health care authority.

**NEW SECTION. Sec. 11.** A new section is added to chapter 71.24 RCW to read as follows:

(1) No act or omission related to the dispatching decisions of any crisis call center staff or designated 988 contact hub staff with endorsed mobile rapid response crisis team and community-based crisis team dispatching responsibilities done or omitted in good faith within the scope of the individual's employment responsibilities with the crisis call center or designated 988 contact hub and in accordance with dispatching procedures adopted both by the behavioral health administrative services organization and the crisis call center or the designated 988 contact hub and approved by the authority shall impose liability upon:

(a) The clinical staff of the crisis call center or designated 988 contact hub or their clinical supervisors;

(b) The crisis call center or designated 988 contact hub or its officers, staff, or employees;

(c) Any member of a mobile rapid response crisis team or community-based crisis team endorsed under section 8 of this act;

(d) The certified public safety telecommunicator or the certified public safety telecommunicator's supervisor; or

(e) The public safety answering point or its officers, staff, or employees.

(2) This section shall not apply to any act or omission which constitutes either gross negligence or willful or wanton misconduct.

**NEW SECTION. Sec. 12.** A new section is added to chapter 38.60 RCW to read as follows:

(1) No act or omission of any certified public safety telecommunicator or crisis call center staff or designated 988 contact hub staff related to the transfer of calls from the 911 line to the 988 crisis hotline or from the 988 crisis hotline to the 911 line, done or omitted in good faith, within the scope of the certified public safety telecommunicator's employment responsibilities with the public safety answering point and the crisis call center or designated 988 contact hub and in accordance with call system transfer protocols adopted by both the department of health and the emergency management division shall impose liability upon:

(a) The certified public safety telecommunicator or the certified public safety telecommunicator's supervisor;

(b) The public safety answering point or its officers, staff, or employees;

(c) The clinical staff of the crisis call center or designated 988 contact hub or their clinical supervisors;

(d) The crisis call center or designated 988 contact hub or its officers, staff, or employees; or

(e) Any member of a mobile rapid response crisis team or community-based crisis team endorsed under section 8 of this act.

(2) This section shall not apply to any act or omission which constitutes either gross negligence or willful or wanton misconduct.

NEW SECTION. **Sec. 13.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

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

The striking amendment (312) 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 Orwall, Dent and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1134.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1134, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1134, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1533, by Representatives Mena, Davis, Reed, Doglio, Fosse, Berg, Taylor, Ryu, Peterson, Berry, Walen,**

**Alvarado, Ramel, Simmons, Griffey, Morgan, Gregerson, Shavers, Ormsby, Pollet, Fey, Kloba, Bateman and Macri**

**Exempting the disclosure of certain information of agency employees or their dependents who are survivors of domestic violence, sexual assault, harassment, or stalking.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1533 was substituted for House Bill No. 1533 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1533 was read the second time.

With the consent of the House, amendment (306) was withdrawn.

Representative Caldier moved the adoption of amendment (336):

On page 2, after line 13, insert the following:

"(e)(i) The information listed in (d) of this subsection that is located in any record or system concerning an agency employee or their dependent that is held or maintained by the employee's employing agency if the employee has provided to the agency:

(A) A sworn statement, signed under penalty of perjury that the employee or a dependent of the employee is a survivor of domestic violence as defined in RCW 10.99.020 or 7.105.010, sexual assault as defined in RCW 70.125.030 or sexual abuse as defined in RCW 7.105.010, stalking as described in RCW 9A.46.110 or defined in RCW 7.105.010, or harassment as described in RCW 9A.46.020 or defined in RCW 7.105.010; or

(B) Proof of the employee's participation or the participation of a dependent in the address confidentiality program under chapter 40.24 RCW.

(ii) For purposes of (i) of this subsection only:

(A) "Employee" means an employee of an agency defined under (B) of this subsection, and legislators.

(B) "Agency" has the same meaning as in RCW 42.56.010, but also includes the office of the secretary of the senate and the office of the chief clerk of the house of representatives."

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

With the consent of the House, amendment (336) was withdrawn.

Representative Pollet moved the adoption of amendment (347):

On page 3, line 18, after "RCW 7.105.010" insert ", and that the employee has a reasonable basis to believe that the risk of domestic violence, sexual assault, sexual abuse, stalking, or harassment continues to exist. An sworn statement under this subsection expires after two years, but may be subsequently renewed by providing a new

sworn statement to the employee's employing agency"

Representatives Pollet and Abbarno spoke in favor of the adoption of the amendment.

Amendment (347) 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 Mena and Abbarno spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1533.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1533, and the bill passed the House by the following vote: Yeas, 80; Nays, 15; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Cortes, Couture, Davis, Doglio, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Barnard, Berg, Connors, Corry, Dent, Donaghy, Dye, Klicker, Leavitt, McEntire, Paul, Sandlin, Schmick, Walsh and Ybarra

Excused: Representatives Chandler, Hansen and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1578, by Representatives Springer, Kretz, Reeves, Leavitt, Ramel, Lekanoff, Reed, Pollet and Kloba**

**Improving community preparedness, response, recovery, and resilience to wildland fire health and safety impacts in areas of increasing population density, including in the wildland urban interface.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1578 was substituted for House Bill No. 1578 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1578 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 Springer, Dent, Eslick, Kretz and Reeves spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1578.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1578, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1578, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1744, by Representatives Rude, Santos, Schmidt and Pollet**

**Clarifying the responsibilities and accountability for the effective delivery and oversight of public education services to charter school students.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1744 was substituted for House Bill No. 1744 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1744 was read the second time.

Representative Rude moved the adoption of amendment (343):

On page 2, line 7, after "requirements" insert ", but an additional reporting requirement for charter schools can reinforce existing requirements and help to avoid any future problems"

On page 2, line 11, after "not" strike "prepared or otherwise"

On page 4, line 27, after "equality)" insert "chapter 28A.180 RCW (transitional bilingual instruction program),"

On page 6, beginning on line 12, after "(c)" strike all material through "both" on line 15 and insert "Hold charter school boards accountable for: Ensuring that students of charter public schools have opportunities for academic success; and exercising effective educational, operational, and financial oversight of charter public schools"

On page 7, beginning on line 36, after "(a)" strike all material though "both" on line 39 and insert "Holding the charter school board of each authorized charter

school accountable for: Ensuring that students in the charter school have opportunities for academic success; and exercising effective educational, operational, and financial oversight of the charter school"

On page 13, beginning on line 9, after "(a)" strike all material though "both" on line 12 and insert "Hold the charter school board accountable for: Ensuring that students of the charter school have opportunities for academic success; and exercising effective educational, operational, and financial oversight of the charter school"

On page 13, beginning on line 22, after "(1)" strike all material though "beginning" on line 23 and insert "Beginning"

On page 14, after line 2, insert the following:

"(4) For the purposes of this section, "technical assistance" means the provision of training, which may be provided by commission staff or through a contractor, to support charter schools and charter school boards in their responsibility to achieve and maintain compliance with applicable state and federal laws and with their charter school contract.

**NEW SECTION. Sec. 11.** A new section is added to chapter 28A.710 RCW to read as follows:

(1)(a) By November 1, 2023, the commission shall establish and maintain on its website an online system for students who attend charter schools, and the parents of those students, to submit complaints about the operation and administration of one or more charter schools, including complaints about the provision of education services and complaints alleging noncompliance with the requirements of this chapter or other provisions governing charter schools.

(b) The commission shall acknowledge the receipt of each received complaint within 10 business days and shall, in a timely manner, perform any inquiries or other actions it deems necessary and appropriate to respond to each received complaint.

(2) The commission shall adopt and revise as necessary rules to implement this section.

**NEW SECTION. Sec. 12.** A new section is added to chapter 28A.710 RCW to read as follows:

Each charter school shall prominently post and maintain on its website information about the school's process and instructions for submitting complaints about the operation and administration of the charter school by its enrolled students and their parents. This information must include a designated point of contact at the charter school and a link to the complaint system of the commission that is required by section 11 of this act."

Correct the title.

Representatives Rude and Stonier spoke in favor of the adoption of the amendment.

Amendment (343) 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 Rude and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1744.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1744, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1744, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1028, by Representatives Orwall, Mosbrucker, Ryu, Simmons, Goodman, Reed, Lekanoff, Pollet, Callan, Doglio, Macri, Caldier, Reeves, Wylie, Gregerson, Davis, Ormsby and Fosse**

**Supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1028 was substituted for House Bill No. 1028 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1028 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 Orwall and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1028.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1028, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1028, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1745, by Representatives Thai, Duerr, Doglio, Ormsby and Macri**

**Improving diversity in clinical trials.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1745 was substituted for House Bill No. 1745 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1745 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 Thai and Maycumber spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1745.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1745, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1745, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1105, by Representatives Kloba, Abbarno and Thai**

**Requiring public agencies to provide notice for public comment that includes the last date by which such public comment must be submitted.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1105 was substituted for House Bill No. 1105 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1105 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 Kloba and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1105.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1105, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

SUBSTITUTE HOUSE BILL NO. 1105, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1163, by Representative Fey**

**Exempting certain leasehold interests in arenas with a seating capacity of more than 2,000 from the leasehold excise tax.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1163 was substituted for House Bill No. 1163 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1163 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 Fey and Orcutt spoke in favor of the passage of the bill.

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

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1163, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Kloba and Leavitt

Excused: Representatives Chandler, Hansen and Volz

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

**HOUSE BILL NO. 1763, by Representatives Eslick, Leavitt, Senn, Callan, Schmidt and Pollet**

**Ensuring completion of conditional scholarship obligations and reducing penalties for excusable incomplete obligations.**

The bill was read the second time.

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

Representatives Eslick, Leavitt and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1763.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1763, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

HOUSE BILL NO. 1763, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1205, by Representatives Taylor, Reed and Senn**

**Responsibility for providing service by publication of a summons or notice in dependency and termination of parental rights cases.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1205 was substituted for House Bill No. 1205 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1205 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 Taylor and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1205.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1205, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1205, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4001, by Representatives Orcutt, Walsh, McEntire, Abbarno, Christian and McClintock**

**Requesting the transportation commission to designate a section of Interstate 5 the Cowlitz County Deputy Sheriff Justin DeRosier memorial highway.**

The bill was read the second time.

There being no objection, Substitute House Joint Memorial No. 4001 was substituted for House Joint Memorial No. 4001 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4001 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 Orcutt and Timmons spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4001.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4001, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Hansen and Volz

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4001, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

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

#### MESSAGE FROM THE SENATE

Monday, March 6, 2023

Mme. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5134  
 SUBSTITUTE SENATE BILL NO. 5178  
 SECOND SUBSTITUTE SENATE BILL NO. 5268  
 SECOND SUBSTITUTE SENATE BILL NO. 5290  
 SUBSTITUTE SENATE BILL NO. 5318  
 SENATE BILL NO. 5330  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5334  
 SUBSTITUTE SENATE BILL NO. 5358  
 SUBSTITUTE SENATE BILL NO. 5388  
 SUBSTITUTE SENATE BILL NO. 5389  
 SENATE BILL NO. 5390  
 SECOND SUBSTITUTE SENATE BILL NO. 5412  
 SUBSTITUTE SENATE BILL NO. 5415  
 SUBSTITUTE SENATE BILL NO. 5433  
 SECOND SUBSTITUTE SENATE BILL NO. 5454  
 SUBSTITUTE SENATE BILL NO. 5499  
 SUBSTITUTE SENATE BILL NO. 5523  
 SECOND SUBSTITUTE SENATE BILL NO. 5532  
 SUBSTITUTE SENATE BILL NO. 5538  
 SUBSTITUTE SENATE BILL NO. 5547  
 SENATE BILL NO. 5621  
 SENATE BILL NO. 5700  
 SENATE BILL NO. 5732  
 SENATE JOINT MEMORIAL NO. 8006

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

#### SECOND READING

**HOUSE BILL NO. 1639, by Representatives Lekanoff, Ramel, Gregerson and Santos**

#### **Concerning the Billy Frank Jr. national statuary hall selection committee.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1639 was substituted for House Bill No. 1639 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1639 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 Lekanoff and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1639.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1639, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1639, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1311, by Representatives Reeves, Corry, Chapman, Reed and Cheney**

#### **Addressing credit repair services performed by a credit services organization.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1311 was substituted for House Bill No. 1311 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1311 was read the second time.

Representative Reeves moved the adoption of amendment (182):

On page 4, line 21, after "performed" strike "including" and insert ", including, if applicable,"

On page 10, beginning on line 2, after "days" strike all material through "general" on line 4



On page 11, beginning on line 21, after "(5)" strike all material through "RCW." on line 30 and insert "A violation of this chapter by a credit services organization is an unfair business practice as provided in chapter 19.86 RCW."

Representatives Reeves and Corry spoke in favor of the adoption of the amendment.

Amendment (182) was adopted.

Representative Cheney moved the adoption of amendment (177):

On page 9, beginning on line 35, after "consumer" strike all material through "1681(i)" on line 38

Representatives Cheney and Reeves spoke in favor of the adoption of the amendment.

Amendment (177) 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 Reeves, Corry and Cheney spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1311.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1311, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, Couture, Robertson, Schmidt and Stokesbary

Excused: Representatives Hansen and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1311, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1324, by Representatives Hackney, Senn, Simmons, Reed, Lekanoff, Doglio, Pollet and Macri**

**Concerning the scoring of prior juvenile offenses in sentencing range calculations.**

The bill was read the second time.

Representative Hackney moved the adoption of amendment (180):

On page 8, line 7, after "of" strike "this section" and insert "section 2 of this act"

On page 8, line 10, after "court" insert "if the person is currently incarcerated in total confinement and has a release date of January 1, 2025, or later"

On page 8, at the beginning of line 12, insert "the offender is currently incarcerated in total confinement, has a release date of January 1, 2025, or later, and"

On page 8, line 17, after "(3)" strike "This section expires July 1, 2025" and insert "Beginning January 1, 2025, this section applies to individuals under subsection (1) of this section:

(a) With release dates scheduled on or after January 1, 2025, who have less than three years remaining to serve on their sentence;

(b) Who would be eligible for release within three years of January 1, 2025, based on an offender score that does not include juvenile adjudications; or

(c) Who have served over 15 years or at least 50 percent of their sentence.

(4) Beginning January 1, 2026, this section applies to individuals meeting the requirements of subsection (1) of this section and not eligible for resentencing under subsection (3) of this section"

Correct the title.

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

Representative Mosbrucker spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (180) and the amendment was adopted by the following vote: Yeas, 53; Nays, 40; Absent, 3; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Hansen and Volz

Amendment (180) 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 Hackney spoke in favor of the passage of the bill.

Representatives Mosbrucker, Graham, Abbarno, Waters, Orcutt and Cheney spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1324.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1324, and the bill passed the House by the following vote: Yeas, 51; Nays, 45; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bronoske, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Hansen and Volz

ENGROSSED HOUSE BILL NO. 1324, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1550, by Representatives Santos, Senn, Ortiz-Self, Berry, Goodman, Ramel, Simmons, Stonier, Bergquist, Pollet, Fosse and Doglio**

**Assisting eligible children in need of additional preparation to be successful in kindergarten by establishing the transition to kindergarten program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1550 was substituted for House Bill No. 1550 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1550 was read the second time.

Representative Rude moved the adoption of amendment (351):

On page 6, line 39, after "(7)" insert "**Applicability.** This section applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools established under chapter 28A.715 RCW to the same extent as it applies to school districts.

(8)"

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

On page 8, line 3, after "districts" insert ", charter schools, and state-tribal education compact schools"

On page 9, line 30, after "districts" insert ", charter schools, and state-tribal education compact schools"

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

Representative Santos spoke against the adoption of the amendment.

Amendment (351) 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 Santos and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1550.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1550, and the bill passed the House by the following vote: Yeas, 74; Nays, 22; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hutchins, Jacobsen, Klicker, Kloba, Leavitt, Lekanoff, Macri, McClintock, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Ryu, Sandlin, Santos, Schmidt, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Chandler, Christian, Corry, Couture, Dent, Dye, Eslick, Graham, Griffey, Harris, Kretz, Low, Maycumber, McEntire, Mosbrucker, Rule, Schmick, Shavers, Timmons, Walsh, Waters and Ybarra

Excused: Representatives Hansen and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1550, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1110, by Representatives Bateman, Barkis, Reed, Taylor, Riccelli, Berry, Fitzgibbon, Peterson, Duerr, Lekanoff, Alvarado, Street, Ryu, Ramel, Cortes, Doglio, Macri, Mena, Gregerson, Thai, Bergquist, Farivar, Wylie, Stonier, Pollet, Santos, Fosse and Ormsby**

**Increasing middle housing in areas traditionally dedicated to single-family detached housing.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1110 was substituted for House Bill No. 1110 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1110 was read the second time.

With the consent of the House, amendments (278), (302) and (335) were withdrawn.

Representative Bateman moved the adoption of the striking amendment (261):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that Washington is facing an

unprecedented housing shortage for its current population and without significant action will not meet its goal of creating 1,000,000 homes by 2044.

Increasing housing options that are more affordable to various income levels is critical to achieving the state's housing goals, including those codified by the legislature under chapter 254, Laws of 2021.

There is continued need for the development of housing at all income levels, including middle housing that will provide a wider variety of housing options and configurations to allow Washingtonians to live near where they work.

To unlock opportunity for Washingtonians it is necessary to lift bans on the development of modest home choices in cities near job centers, transit, and amenity-rich neighborhoods.

Homes developed at higher densities and gentle density housing types are more affordable by design for Washington residents both in their construction and reduced household energy and transportation costs.

While creating more housing options, it is essential for cities to identify areas at higher risk of displacement and establish antidisplacement policies as required in Engrossed Second Substitute House Bill No. 1220 (chapter 254, Laws of 2021).

The state has made historic investments in subsidized affordable housing through the housing trust fund, yet even with these historic investments, the magnitude of the housing shortage requires both public and private investment.

In addition to addressing the housing shortage, allowing more housing options in areas already served by urban infrastructure will reduce the pressure to develop natural and working lands, support key strategies for climate change, food security, and Puget Sound recovery, and save taxpayers and ratepayers money.

**Sec. 2.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrative design review" means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director's designee based solely on objective design and development standards without a public meeting or hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance.

(2) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

((2-)) (3) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

((3-)) (4) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

((4-)) (5) "City" means any city or town, including a code city.

((5-)) (6) "Community amenity" means:

(a) A public school as defined in RCW 28A.150.010 or a common school as defined in RCW 28A.150.020; or

(b) A designated entrance or pedestrian access point to a community park operated by the state or a local government for the use of the general public.

(7) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

((6-)) (8) "Cottage housing" means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

(9) "Courtyard apartments" means up to four attached dwelling units arranged on two or three sides of a yard or court.

(10) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

((7-)) (11) "Department" means the department of commerce.

((8-)) (12) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development

regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

~~((9))~~ (13) "Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

~~((10))~~ (14) "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

~~((11))~~ (15) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((12))~~ (16) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

~~((13))~~ (17) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

~~((14))~~ (18) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are

not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

~~((15))~~ (19) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

~~((16))~~ (20) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((17))~~ (21) "Major transit stop" means:  
(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;  
(b) Commuter rail stops;  
(c) Stops on rail or fixed guideway systems, including transitways; or  
(d) Stops on bus rapid transit routes.

(22) "Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

(23) "Minerals" include gravel, sand, and valuable metallic substances.

~~((18))~~ (24) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((19))~~ (25) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

~~((20))~~ (26) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals,

domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

((21)) (27) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

((22)) (28) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

((23)) (29) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

((24)) (30) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

((25)) (31) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, ~~fire and police protection services, and other public utilities~~ associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

((26)) (32) "Short line railroad" means those railroad lines designated class II or class III by the United States surface transportation board.

~~((27))~~ (33) "Stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

(34) "Townhouses" means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.

(35) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

~~((28))~~ (36) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

~~((29))~~ (37) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((30))~~ (38) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((31))~~ (39) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

**NEW SECTION. Sec. 3.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Except as provided in section 4 of this act, any city that is required or chooses to plan under RCW 36.70A.040 must provide by ordinance and incorporate into its development regulations, zoning regulations, and other official controls, authorization for the following:

(a) For cities with a population of at least 25,000 but less than 75,000 based on office of financial management population estimates:

(i) The development of at least two units per lot on all lots zoned predominantly for residential use;

(ii) The development of at least four units per lot on all lots zoned predominantly for residential use within one-half mile walking distance of a major transit stop or community amenity; and

(iii) The development of at least four units per lot on all lots zoned predominantly for residential use if at least one unit is affordable housing.

(b) For cities with a population of at least 75,000, or any city within a contiguous urban growth area with the largest city in a county with a population of more than 275,000, based on office of financial management population estimates:

(i) The development of at least four units per lot on all lots zoned predominantly for residential use;

(ii) The development of at least six units per lot on all lots zoned predominantly for residential use within one-quarter mile walking distance of a major transit stop or community amenity; and

(iii) The development of at least six units per lot on all lots zoned predominantly for residential use if at least two units are affordable housing.

(2)(a) To qualify for the additional units allowed under subsection (1) of this section, the applicant must commit to renting or selling the required number of units as affordable housing. The units must be maintained as affordable for a term of at least 50 years, and the property must satisfy that commitment and all required affordability and income eligibility conditions adopted by the local government under this chapter. A city must require the applicant to record a covenant or deed restriction that ensures the continuing rental of units subject to these affordability requirements consistent with the conditions in chapter 84.14 RCW for a period of no less than 50 years. The covenant or deed restriction must also address criteria and policies to maintain public benefit if the property is converted to a use other than which continues to provide for permanently affordable housing.

(b) The units dedicated as affordable must be provided in a range of sizes comparable to other units in the development. To the extent practicable, the number of bedrooms in affordable units must be in the same proportion as the number of bedrooms in units within the entire development. The affordable units must generally be distributed throughout the development and have substantially the same

functionality as the other units in the development.

(c) If a city has enacted a program under RCW 36.70A.540, the terms of that program govern to the extent they vary from the requirements of this subsection.

(3) If a city has enacted a program under RCW 36.70A.540, subsection (1) of this section does not preclude the city from requiring any development, including development described in subsection (1) of this section, to provide affordable housing, either on-site or through an in-lieu payment, nor limit the city's ability to expand such a program or modify its requirements.

(4) A city must allow at least six of the eight types of middle housing to achieve the unit density required in subsection (1) of this section. A city must also allow zero lot line short or long subdivisions where the number of lots created is equal to the unit density required in subsection (1) of this section.

(5) Any city subject to the requirements of this section:

(a) May only adopt objective development and design standards on the development of middle housing;

(b) May only apply administrative design review;

(c) Except as provided in (a) of this subsection, shall not require through development regulations any standards for middle housing that are more restrictive than those required for detached single-family residences, but may apply any objective development regulations that are required for detached single-family residences, including set-back and tree canopy and retention requirements;

(d) Shall apply to middle housing the same development permit and environmental review processes that apply to detached single-family residences, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter 90.58 RCW, building codes under chapter 19.27 RCW, energy codes under chapter 19.27A RCW, or electrical codes under chapter 19.28 RCW;

(e) Shall not require off-street parking as a condition of permitting development of middle housing within one-half mile walking distance of a major transit stop;

(f) Shall not require more than one off-street parking space per unit as a condition of permitting development of middle housing on lots smaller than 6,000 square feet;

(g) Shall not require more than two off-street parking spaces per unit as a condition of permitting development of middle housing on lots greater than 6,000 square feet; and

(h) May impose a limit of two units on a residential lot of 2,000 square feet or less created through a lot split pursuant to RCW 36.70A.--- (section 2, chapter . . . (ESSB 1245), Laws of 2023).

(6) The provisions of subsection (5)(e) through (g) of this section do not apply:

(a) If a local government submits to the department an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and the department finds and certifies, that

the application of the parking limitations of subsection (5)(e) through (g) of this section for middle housing will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses. The department must develop guidance to assist cities on items to include in the study; or

(b) To portions of cities within a one-mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

(7) The provisions of this section do not apply to lots designated with critical areas or their buffers as designated in RCW 36.70A.060, or to a watershed serving a reservoir for potable water if that watershed is or was listed, as of the effective date of this section, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)).

(8) Nothing in this section prohibits a city from permitting detached single-family residences.

(9) A city must comply with the requirements of this section or section 4 of this act on the latter of:

(a) Six months after its next periodic comprehensive plan update required under RCW 36.70A.130; or

(b) 12 months after a determination by the office of financial management that the city has reached a population threshold established under this section.

(10) Except for specific areas granted an implementation timeline extension under section 9 of this act, the capital facilities plan element required by RCW 36.70A.070(3) is not required to be updated to accommodate the increased housing and population capacity required by this act until the periodic comprehensive plan update required for the city under RCW 36.70A.130(5) that occurs on or after June 30, 2034.

(11) Any city that adopts development regulations consistent with the requirements of section 3 of this act shall be considered in compliance with RCW 36.70A.070(2)(f) until June 30, 2032.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

(1) As an alternative to the density requirements in section 3(1) of this act, a city may implement the density requirements in section 3(1) of this act for at least 75 percent of lots in the city that are primarily dedicated to single-family detached housing units.

(2) The 25 percent of lots for which the requirements of section 3(1) of this act are not implemented must include:

(a) Any areas within the city for which the department has certified an extension of the implementation timelines under section 7 of this act due to the risk of displacement;

(b) Any areas within the city for which the department has certified an extension of the implementation timelines under section 9

of this act due to a lack of infrastructure capacity;

(c) Any lots designated with critical areas or their buffers that are exempt from the density requirements as provided in section 3(7) of this act;

(d) Any portion of a city within a one-mile radius of a commercial airport with at least 9,000,000 annual enplanements that is exempt from the parking requirements under section 3(6)(b) of this act; and

(e) Any areas subject to sea level rise, increased flooding, or geological hazards over the next 100 years.

(3) The 25 percent of lots for which the requirements of section 3(1) of this act are not implemented may not include:

(a) Any areas for which the exclusion would further racially disparate impacts or result in zoning with a discriminatory effect;

(b) Any areas within one-half mile walking distance of a major transit stop or community amenity;

(c) Any areas historically covered by a covenant or deed restriction excluding racial minorities from owning property or living in the area;

(d) Any areas within one-half mile walking distance of an institution of higher learning, including a public college or university; or

(e) Any areas within one-half mile walking distance of a building, shopping center, or business area containing at least 100,000 square feet of retail space.

**NEW SECTION. Sec. 5.** A new section is added to chapter 36.70A RCW to read as follows:

Population associated with permits for middle housing units are exempt from the threshold of an office of financial management population projection to a county or a county population allocation to a city.

**NEW SECTION. Sec. 6.** A new section is added to chapter 36.70A RCW to read as follows:

(1)(a) The department is directed to provide technical assistance to cities as they implement the requirements under section 3 or 4 of this act.

(b) The department shall prioritize such technical assistance to cities demonstrating the greatest need.

(2)(a) The department shall publish model middle housing ordinances no later than six months following the effective date of this section.

(b) In any city subject to section 3 of this act that has not passed ordinances, regulations, or other official controls within the time frames provided under section 3(9) of this act, the model ordinance supersedes, preempts, and invalidates local development regulations until the city takes all actions necessary to implement section 3 or 4 of this act.

(3)(a) The department is directed to establish a process by which cities implementing the requirements of section 3 of this act may seek approval of alternative local action necessary to meet the requirements of this act.

(b) The department may approve actions under this section for cities that have, by January 1, 2023, adopted a comprehensive plan that is substantially similar to the requirements of this act and, within one year of the effective date of this section, adopts permanent development regulations that are substantially similar to the requirements of this act. In determining whether a city's adopted comprehensive plan and permanent development regulations are substantially similar, the department must find as substantially similar plans and regulations that:

(i) Result in an overall increase in housing units allowed in single-family zones that is at least 75 percent of the increase in housing units allowed in single-family zones if the specific provisions of this act were adopted;

(ii) Allow for middle housing throughout the city, rather than just in targeted locations; and

(iii) Allow for additional density near major transit stops and community amenities, and for projects that incorporate dedicated affordable housing.

(c) The department may determine that a comprehensive plan and development regulations that do not meet these criteria are otherwise substantially similar to the requirements of this act if the city can clearly demonstrate that the regulations adopted will result in a greater increase in middle housing production within single family zones than would be allowed through implementation of section 3 of this act.

(d) Any local actions approved by the department pursuant to (a) of this subsection to implement the requirements under section 3 of this act are exempt from appeals under this chapter and chapter 43.21C RCW.

(e) The department's final decision to approve or reject actions by cities implementing section 3 of this act may be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.

(4) For the purpose of this section, "single-family zones" means those zones where single-family detached housing is the predominant land use.

**NEW SECTION. Sec. 7.** A new section is added to chapter 36.70A RCW to read as follows:

Any city choosing the alternative density requirements in section 4 of this act may apply to the department for, and the department may certify, an extension for areas at risk of displacement as determined by the antidisplacement analysis that a jurisdiction is required to complete under RCW 36.70A.070(2). The city must create a plan for implementing antidisplacement policies by their next implementation progress report required by RCW 36.70A.130(9).

**Sec. 8.** RCW 36.70A.280 and 2011 c 360 s 17 are each amended to read as follows:

(1) The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance with RCW 36.70A.5801;

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

(c) That the approval of a work plan adopted under RCW 36.70A.735(1)(a) is not in compliance with the requirements of the program established under RCW 36.70A.710;

(d) That regulations adopted under RCW 36.70A.735(1)(b) are not regionally applicable and cannot be adopted, wholly or partially, by another jurisdiction; ~~((or))~~

(e) That a department certification under RCW 36.70A.735(1)(c) is erroneous; or

(f) That the department's final decision to approve or reject actions by a city implementing section 3 of this act is clearly erroneous.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within sixty days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, the board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by the board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by the board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as the "board adjusted population projection." None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall



continue to be used for state budget and planning purposes.

**NEW SECTION. Sec. 9.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Any city choosing the alternative density requirements in section 4 of this act may apply to the department for, and the department may certify, an extension of the implementation timelines established under section 3(9) of this act.

(2) An extension certified under this section may be applied only to specific areas where a city can demonstrate that water, sewer, stormwater, or fire protection services lack capacity to accommodate the density required in section 3 of this act, and the city has:

(a) Included one or more improvements, as needed, within its capital facilities plan to adequately increase capacity; or

(b) Identified which special district is responsible for providing the necessary infrastructure if the infrastructure is provided by a special purpose district.

(3) An extension granted under this section remains in effect until the earliest of:

(a) The infrastructure is improved to accommodate the capacity;

(b) The city's deadline to complete its next periodic comprehensive plan update under RCW 36.70A.130; or

(c) The city's deadline to complete its implementation progress report to the department as required under RCW 36.70A.130(9).

(4) A city that has received an extension under this section may reapply for any needed extension with its next periodic comprehensive plan update under RCW 36.70A.130 or its implementation progress report to the department under RCW 36.70A.130(9). The application for an additional extension must include a list of infrastructure improvements necessary to meet the capacity required in section 3 of this act. Such additional extension must only be to address infrastructure deficiency that a city is not reasonably able to address within the first extension.

(5) The department may establish by rule any standards or procedures necessary to implement this section.

(6) The department must provide the legislature with a list of projects identified in a city's capital facilities plan that were the basis for the extension under this section, including planning level estimates. Additionally, the city must contact special purpose districts to identify additional projects associated with extensions under this section.

(7) A city granted an extension for a specific area must allow development as provided under section 3 of this act if the developer commits to providing the necessary water, sewer, or stormwater infrastructure.

(8) No city shall approve a building permit for housing required by section 3 or 4 of this act unless the city or other water provider has sufficient water rights to supply water to serve the building.

**Sec. 10.** RCW 43.21C.495 and 2022 c 246 s 3 are each amended to read as follows:

(1) Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city to implement: The actions specified in section 2, chapter 246, Laws of 2022 unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat; and the increased residential building capacity actions identified in RCW 36.70A.600(1), with the exception of the action specified in RCW 36.70A.600(1)(f), are not subject to administrative or judicial appeals under this chapter.

(2) Amendments to development regulations and other nonproject actions taken by a city to implement the requirements under section 3 of this act pursuant to section 6(3)(b) of this act are not subject to administrative or judicial appeals under this chapter.

**Sec. 11.** RCW 43.21C.450 and 2012 1st sp.s. c 1 s 307 are each amended to read as follows:

The following nonproject actions are categorically exempt from the requirements of this chapter:

(1) Amendments to development regulations that are required to ensure consistency with an adopted comprehensive plan pursuant to RCW 36.70A.040, where the comprehensive plan was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(2) Amendments to development regulations that are required to ensure consistency with a shoreline master program approved pursuant to RCW 90.58.090, where the shoreline master program was previously subjected to environmental review pursuant to this chapter and the impacts associated with the proposed regulation were specifically addressed in the prior environmental review;

(3) Amendments to development regulations that, upon implementation of a project action, will provide increased environmental protection, limited to the following:

(a) Increased protections for critical areas, such as enhanced buffers or setbacks;

(b) Increased vegetation retention or decreased impervious surface areas in shoreline jurisdiction; and

(c) Increased vegetation retention or decreased impervious surface areas in critical areas;

(4) Amendments to technical codes adopted by a county, city, or town to ensure consistency with minimum standards contained in state law, including the following:

(a) Building codes required by chapter 19.27 RCW;

(b) Energy codes required by chapter 19.27A RCW; and

(c) Electrical codes required by chapter 19.28 RCW.

(5) Amendments to development regulations to remove requirements for parking from development proposed to fill in an urban

growth area designated according to RCW 36.70A.110.

**NEW SECTION. Sec. 12.** A new section is added to chapter 36.70A RCW to read as follows:

A city that adopts development regulations that are consistent with and implement this act and RCW 35A.21.430 or 35.21.683 shall be deemed in compliance with the requirements of RCW 36.70A.070(2)(d) until June 30, 2032.

**NEW SECTION. Sec. 13.** A new section is added to chapter 64.34 RCW to read as follows:

A declaration created after the effective date of this section and applicable to an area within a city subject to the middle housing requirements in section 3 of this act may not actively or effectively prohibit the construction, development, or use of additional housing units as required in section 3 of this act.

**NEW SECTION. Sec. 14.** A new section is added to chapter 64.32 RCW to read as follows:

A declaration created after the effective date of this section and applicable to an association of apartment owners located within an area of a city subject to the middle housing requirements in section 3 of this act may not actively or effectively prohibit the construction, development, or use of additional housing units as required in section 3 of this act.

**NEW SECTION. Sec. 15.** A new section is added to chapter 64.38 RCW to read as follows:

Governing documents of associations within cities subject to the middle housing requirements in section 3 of this act that are created after the effective date of this section may not actively or effectively prohibit the construction, development, or use of additional housing units as required in section 3 of this act.

**NEW SECTION. Sec. 16.** A new section is added to chapter 64.90 RCW to read as follows:

Declarations and governing documents of a common interest community within cities subject to the middle housing requirements in section 3 of this act that are created after the effective date of this section may not actively or effectively prohibit the construction, development, or use of additional housing units as required in section 3 of this act.

**NEW SECTION. Sec. 17.** A new section is added to chapter 64.90 RCW to read as follows:

The department of commerce may establish by rule any standards or procedures necessary to implement this act.

**NEW SECTION. Sec. 18.** If specific funding for the purposes of this act,

referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Senn moved the adoption of amendment (301) to the striking amendment (261):

On page 2, beginning on line 37 of the striking amendment, after "(6)" strike all material through "(7)" on page 3, line 4

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

On page 9, line 5 of the striking amendment, after "stop" strike "or community amenity"

On page 9, line 17 of the striking amendment, after "stop" strike "or community amenity"

On page 10, line 12 of the striking amendment, after "the" strike "eight" and insert "nine"

Representatives Senn and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (301) to the striking amendment (261) was adopted.

Representative Senn moved the adoption of amendment (373) to the striking amendment (261):

On page 8, line 33, after "section 4" insert ", 5, or 6"

On page 8, line 39, after "75,000" insert ", that are not within a contiguous urban growth area with the largest city in a county with a population of more than 275,000,"

On page 11, line 38, after "act" insert "and for a city implementing the alternative density requirements under section 5 of this act"

On page 13, after line 6, insert the following:

**"NEW SECTION. Sec. 5.** A new section is added to chapter 36.70A RCW to read as follows:

As an alternative to the density requirements in section 3(1)(b) of this act, cities with a population of less than 75,000 within a contiguous urban growth area with the largest city in a county with a population of more than 275,000, based on office of financial management population estimates, may authorize:

(1) The development of at least three units per lot on all lots zoned predominantly for residential use;

(2) The development of at least six units per lot on all lots zoned predominantly for residential use within one-half mile walking distance of a major transit stop; and

(3) The development of at least four units per lot on all lots zoned

predominantly for residential use if at least one unit is affordable housing."

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

On page 13, line 16, after "section 3" strike "or 4" and insert ", 4, or 5"

On page 13, line 28, after "section 3" strike "or 4" and insert ", 4, or 5"

Representatives Senn and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (373) to the striking amendment (261) was adopted.

Representative Pollet moved the adoption of amendment (332) to the striking amendment (261):

On page 10, beginning on line 14 of the striking amendment, after "short" strike "or long subdivisions" and insert "subdivision"

On page 12, line 30 of the striking amendment, after "(3)" strike "The" and insert "Unless identified as at higher risk of displacement under RCW 36.70A.070(g), the"

On page 12, line 38 of the striking amendment, after "area" strike ";" and insert ", as known to the city at the time of each comprehensive plan update; or"

On page 13, beginning on line 1 of the striking amendment, after "(d)" strike all material through "(e)" on line 4

Representatives Pollet and Klicker spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (332) to the striking amendment (261) was adopted.

Representative Connors moved the adoption of amendment (307) to the striking amendment (261):

On page 11, line 30 of the striking amendment, after "(9)" insert "Nothing in this section requires a city to issue a building permit if other federal, state, and local requirements for a building permit are not met."

(10)"

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

Representatives Connors and Peterson spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (307) to the striking amendment (261) was adopted.

Representative Pollet moved the adoption of amendment (334) to the striking amendment (261):

On page 14, beginning on line 33 of the striking amendment, after "city" strike all material through "act" on line 34

On page 14, line 35 of the striking amendment, after "extension" insert "for up to two years"

On page 14, beginning on line 37 of the striking amendment, after "RCW 36.70A.070(2)." strike all material through "RCW 36.70A.130(9)." on line 39

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

Representatives Klicker and Peterson spoke against the adoption of the amendment to the striking amendment.

Amendment (334) to the striking amendment (261) was not adopted.

Representative Pollet moved the adoption of amendment (333) to the striking amendment (261):

On page 16, beginning on line 17 of the striking amendment, after "city" strike all material through "act" on line 18

On page 16, line 37 of the striking amendment, after "(4)" insert "No more than 20 percent of a city's buildable residential lots subject to the minimum density requirements in sections 3 or 4 of this act may be certified for an extension due to a lack of water, sewer, stormwater, or fire protection services capacity."

(5)"

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

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

Representatives Klicker and Peterson spoke against the adoption of the amendment to the striking amendment.

Amendment (333) to the striking amendment (261) was not adopted.

Representative Barkis moved the adoption of amendment (299) to the striking amendment (261):

On page 17, beginning on line 19 of the striking amendment, after "housing" strike all material through "building" on line 21 and insert "under section 3 or 4 of this act without compliance with the adequate water supply requirements of RCW 19.27.097"

Representatives Barkis and Peterson spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (299) to the striking amendment (261) was adopted.

The striking amendment (261), 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 Bateman, Connors, Alvarado, Barkis and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) 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, 75; Nays, 21; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Christian, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Barnard, Caldier, Chambers, Chandler, Cheney, Connors, Dent, Dye, Eslick, Hutchins, Jacobsen, Klicker, McClintock, McEntire, Rude, Schmick, Springer, Stearns, Steele, Walen and Walsh

Excused: Representatives Hansen and Volz

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

**HOUSE BILL NO. 1589, by Representatives Doglio, Fitzgibbon, Berry, Alvarado, Bateman, Ramel, Peterson, Lekanoff, Hackney, Macri and Kloba**

**Supporting Washington's clean energy economy and transitioning to a clean, affordable, and reliable energy future.**

The bill was read the second time.

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

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

Representative Doglio moved the adoption of the striking amendment (340):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the state's gas and electrical companies face transformational change brought on by new technology, emerging opportunities for customers, and state clean energy laws. Chapter 19.405 RCW, the Washington clean energy transformation act, and chapter 70A.65 RCW, the Washington climate commitment act, mean these companies must find innovative and creative solutions to equitably serve their customers, provide clean energy, reduce emissions, and keep rates fair, just, reasonable, and sufficient.

(2) Gas companies with over 500,000 customers that are also electrical companies, or combination utilities, play an important role in providing affordable and reliable heating and other energy services, and in leading the implementation of state climate policies. As the state transitions

to cleaner sources of energy, combination utilities are an important partner in helping their customers make smart energy choices, and actively supporting the replacement of fossil fuel-based space and water heating equipment and other fossil fuel-based equipment with high-efficiency nonemitting equipment. Programs to accelerate the adoption of efficient, nonemitting appliances have the potential to allow combination utilities to optimize the use of energy infrastructure, improve the management of energy loads, better manage the integration of variable renewable energy resources, reduce greenhouse gas emissions from the buildings sector, mitigate the environmental impacts of utility operations and power purchases, and improve health outcomes for occupants. Legislative clarity is important for utilities to offer programs and services, including incentives, in the decarbonization of homes and buildings for their customers.

(3) In order to meet the statewide greenhouse gas limits in the energy sectors of the economy, more resources must be directed toward achieving decarbonization of residential and commercial heating loads and other loads that are served with fossil fuels, while continuing to protect customers, especially low-income customers and vulnerable communities. The legislature finds that regulatory innovation may be needed to remove barriers that combination utilities may face to meet the state's public policy objectives and expectations. The enactment of chapter 188, Laws of 2021 (Engrossed Substitute Senate Bill No. 5295) began that regulatory transition from traditional cost-of-service regulation, with investor-owned gas and electrical companies using forward-looking multiyear rate plans and taking steps toward performance-based regulation. These steps are intended to provide certainty and stability to both customers and to investor-owned gas and electrical companies, aligning public policy objectives with investments, safety, and reliability.

(4) The legislature finds that as Washington transitions to 100 percent clean electricity and as the state implements the Washington climate commitment act, switching from fossil fuel-based heating equipment and other fossil fuel-based appliances to high-efficiency nonemitting equipment will reduce climate impacts and fuel price risks for customers in the long term. This new paradigm requires a thoughtful transition to decarbonize the energy system to ensure that customers are protected, are not subject to sudden price shocks, and continue to receive needed energy services. This transition will require careful and integrated planning across utilities and with customers as well as new regulatory tools.

(5) It is the intent of the legislature to require combination utilities to decarbonize their systems by: (a) Prioritizing efficient and cost-effective measures to transition customers off of the direct use of fossil fuels at the lowest reasonable cost to customers; (b) investing in the energy supply, storage, delivery, and demand-side resources that will be needed to serve any increase in electrical demand

affordably and reliably; (c) maintaining safety and reliability as the gas system undergoes transformational changes; (d) integrating zero-carbon and carbon-neutral fuels to serve high heat and industrial loads where electrification may not be technically feasible; (e) managing peak demand of the electric system; and (f) ensuring an equitable distribution of benefits to, and reduction of burdens for, overburdened communities that have historically been underserved by utility energy efficiency programs, and may be disproportionately impacted by rising fuel and equipment costs or experience high energy burden.

(6) It is the intent of the legislature to support this transition by adopting requirements for combination utilities to conduct integrated system planning to develop specific actions supporting gas system decarbonization and electrification.

**Sec. 2.** RCW 80.28.010 and 2011 c 214 s 11 are each amended to read as follows:

(1) All charges made, demanded, or received by any gas company, electrical company, wastewater company, or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient. Reasonable charges necessary to cover the cost of administering the collection of voluntary donations for the purposes of supporting the development and implementation of evergreen community management plans and ordinances under RCW 80.28.300 must be deemed as prudent and necessary for the operation of a utility.

(2)(a) Every gas company, electrical company, wastewater company, and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(b) No large gas company that serves more than 500,000 retail natural gas customers in the state of Washington on June 30, 2023, may furnish or supply gas service, instrumentalities, and facilities to any commercial or residential location that did not receive gas service or did not file applications for gas service as of June 30, 2023.

(c) The prohibition in (b) of this subsection does not apply to facilities engaged in one or more manufacturing processes described by North American industry classification system codes beginning with 31, 32, or 33.

(d) The prohibition in (b) of this subsection does not apply to the following facilities until January 1, 2040:

(i) Facilities with building occupancies classified as institutional I-2 (medical care facilities) or I-3 (correctional facilities) pursuant to the international building code, that are required by federal or state regulation to have redundant emergency backup power generation systems; and

(ii) Facilities owned or operated by the United States department of defense that utilize reciprocating internal combustion

engine generators that support energy resilience, energy security, and energy efficiency initiatives.

(3) All rules and regulations issued by any gas company, electrical company, wastewater company, or water company, affecting or pertaining to the sale or distribution of its product or service, must be just and reasonable.

(4) Utility service for residential space heating shall not be terminated between November 15<sup>th</sup> through March 15<sup>th</sup> if the customer:

(a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice should be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances. If the customer fails to notify the utility within five business days and service is terminated, the customer can, by paying reconnection charges, if any, and fulfilling the requirements of this section, receive the protections of this chapter;

(b) Provides self-certification of household income for the prior twelve months to a grantee of the department of commerce, which administers federally funded energy assistance programs. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15<sup>th</sup> and to pay for continued utility service. If the past due bill is not paid by the following October 15<sup>th</sup>, the customer is not eligible for protections under this chapter until the past due bill is paid. The plan may not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15<sup>th</sup> through March 15<sup>th</sup>. A customer may agree to pay a higher percentage during this period, but shall not be in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if he or she moves.

(5) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination, a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;

(d) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and

(e) Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the utility and fulfills the other requirements of this section.

(6) A payment plan implemented under this section is consistent with RCW 80.28.080.

(7) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(8) Every gas company, electrical company, wastewater company, and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product, or provision of its services, as will be efficient and safe to its employees and the public.

(9) An agreement between the customer and the utility, whether oral or written, does not waive the protections afforded under this chapter.

(10) In establishing rates or charges for water service, water companies as defined in RCW 80.04.010 may consider the achievement of water conservation goals and the discouragement of wasteful water use practices.

**Sec. 3.** RCW 80.28.110 and 2021 c 65 s 97 are each amended to read as follows:

((Every)) Except for a large gas company pursuant to RCW 80.28.010(2)(b), every gas company, electrical company, wastewater company, or water company, engaged in the sale and distribution of gas, electricity or water or the provision of wastewater company

services, shall, upon reasonable notice, furnish to all persons and corporations who may apply therefor and be reasonably entitled thereto, suitable facilities for furnishing and furnish all available gas, electricity, wastewater company services, and water as demanded, except that a water company may not furnish water contrary to the provisions of water system plans approved under chapter 43.20 or 70A.100 RCW and wastewater companies may not provide services contrary to the approved general sewer plan.

NEW SECTION. **Sec. 4.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alternative energy resource" means biogas, renewable natural gas, renewable syngas, renewable hydrogen, carbon dioxide removal, carbon-free district energy, any electrification programs approved as part of an electrification plan pursuant to section 5 of this act, and any carbon-neutral fuel as defined in statute.

(2) "Carbon dioxide equivalent" has the same meaning as defined in RCW 70A.65.010.

(3) "Carbon-free district energy" means a network of hot water pipes and cold water pipes used to provide thermal energy to multiple buildings that does not result in the emissions of greenhouse gases.

(4) "Combination utility" means a public service company that is both an electrical company and a large gas company that serves more than 800,000 retail electric customers and 500,000 retail natural gas customers in the state of Washington as of June 30, 2023.

(5) "Commission" means the utilities and transportation commission.

(6) "Cost-effective" means that a project or resource is forecast:

(a) To be reliable and available within the time it is needed; and

(b) To reduce greenhouse gas emissions and meet or reduce the energy demand or supply an equivalent level of energy service to the intended customers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative project or resource, or any combination thereof, including the cost of compliance with chapter 70A.65 RCW, based on the forward allowance ceiling price of allowances approved by the department of ecology under RCW 70A.65.160.

(7) "Costs of greenhouse gas emissions" means the costs of greenhouse gas emissions established in RCW 80.28.395.

(8) "Electrical company" has the same meaning as provided in RCW 80.04.010.

(9)(a) "Electrification" means the installation of electric end-use equipment.

(b) Electrification programs may include, but are not limited to, programs that facilitate the installation of electric air-source heat pumps with gas backups in existing buildings. However, electric air-source heat pumps with gas backups may not be part of any plan filed after 2030.

(10) "Emissions baseline" means the actual cumulative greenhouse gas emissions of a combination utility, calculated pursuant to chapter 70A.65 RCW, for the

five-year period beginning January 1, 2015, and ending December 31, 2019.

(11) "Emissions reduction period" means one of five periods of five calendar years each, with the five periods beginning on January 1st of calendar years 2030, 2035, 2040, 2045, and 2050, respectively.

(12) "Emissions reduction target" means a targeted reduction of projected cumulative greenhouse gas emissions of a combination utility approved by the commission for an emissions reduction period that is at least as stringent as the limits established in RCW 70A.45.020.

(13) "Gas company" has the same meaning as provided in RCW 80.04.010.

(14) "Greenhouse gas" has the same meaning as provided in RCW 70A.45.010.

(15) "Low-income" has the same meaning as provided in RCW 19.405.020.

(16) "Multiyear rate plan" means a multiyear rate plan of a gas company filed with the commission pursuant to RCW 80.28.425.

(17) "Natural gas" has the same meaning as provided in RCW 19.405.020.

(18) "Overburdened community" has the same meaning as provided in RCW 70A.65.010.

(19) "Renewable hydrogen" has the same meaning as provided in RCW 19.405.020.

(20) "Renewable natural gas" has the same meaning as provided in RCW 19.405.020.

(21) "Renewable resource" has the same meaning as provided in RCW 19.405.020.

(22) "System cost" means an estimate of all direct costs of a project or resource over its effective life including, if applicable: The costs of transmission and distribution to the customers; waste disposal costs; permitting, siting, mitigation, and end-of-cycle decommissioning and remediation costs; fuel costs, including projected increases; resource integration and balancing costs; and such quantifiable environmental costs and benefits and other energy and nonenergy benefits as are directly attributable to the project or resource, including flexibility, resilience, reliability, greenhouse gas emissions reductions, and air quality.

**NEW SECTION. Sec. 5.** (1) The legislature finds that utilities are subject to a range of reporting and planning requirements as part of the clean energy transition. To reduce regulatory barriers, achieve equitable and transparent outcomes, and integrate planning requirements, the commission may consolidate planning requirements into a single integrated system plan that is approved by the commission.

(a) By September 1, 2023, the commission shall initiate a process to consolidate planning requirements and to waive any commission rules necessary to facilitate an integrated system plan.

(b) The commission shall issue a notice and request for comment and shall hold a public comment hearing.

(c) In its order approving the consolidation of planning requirements, the commission shall include a compliance checklist and shall provide any additional guidance that is necessary to ensure that the integrated system plan meets the minimum

requirements of all relevant statutes and rules.

(2) Subject to approval by the commission pursuant to subsection (1) of this section, by January 1, 2026, and every four years thereafter, a combination utility shall file an integrated system plan demonstrating how the combination utility plans to:

(a) Achieve its obligations under chapters 19.280, 19.405, 19.285, and 70A.65 RCW, RCW 80.28.380, and existing pipeline safety and replacement plans;

(b) Achieve gas utility and electric utility emissions reductions equal to their proportional share of emissions reductions required under RCW 70A.45.020;

(c) Maximize investments of revenues generated from consigning allowances pursuant to chapter 70A.65 RCW in programs that incentivize a transition to electric heat pumps and other electric appliances, conservation and efficiency services, and other programs that aid in the transition from the direct use of fossil fuels; and

(d) Comply with any other obligations under applicable rules, regulations, or laws.

(3) In addition, an integrated system plan filed pursuant to this section must:

(a) Include an emissions reduction target;

(b) Present and evaluate a range of resource portfolios and proposed programs to advance clean energy and gas decarbonization measures for customers that align with achieving the gas utility's proportional share of emissions reductions required under RCW 70A.45.020. At a minimum, the range of resource portfolios presented and evaluated by a combination utility must include:

(i) A portfolio of resources that uses cost-effective alternative energy resources to the maximum practicable extent, which may include leak reductions approved by the commission, and that meets the identified emissions reduction targets;

(ii) Other portfolios requested by stakeholders;

(iii) Other portfolios at the combination utility's discretion; and

(iv) Other portfolios as directed by the commission;

(c) Include programs targeted to low-income customers, vulnerable populations, and overburdened communities;

(d) Include outreach plans for engagement with all customers, but prioritizing low-income customers, vulnerable populations, and overburdened communities to develop programs to support those customers in every phase of the programs in the combination utility's integrated system plan, including through incentives offered to multifamily buildings occupied in full or in part by low-income households;

(e) Prioritize investments that benefit, and reduce burdens to, low-income customers, vulnerable populations, and overburdened communities;

(f) Prioritize investments in energy efficiency, demand response, and energy conservation measures, which must achieve at least:

(i) Two percent of electric load annually with conservation and energy efficiency

resources, unless the commission finds that a higher target is cost-effective; and

(ii) Annual demand response equal to or greater than 10 percent of winter and summer peak electric demand, unless the commission finds that a higher target is cost-effective;

(g) Set forth specific actions that the combination utility will take to reduce greenhouse gas emissions to meet the emissions reduction target;

(h) Quantify projected cumulative greenhouse gas emissions reductions for each emissions reduction period resulting from each portfolio presented in the integrated system plan;

(i) Propose program budgets resulting from each portfolio presented in the integrated system plan;

(j) Quantify the cost of implementing each portfolio presented in the integrated system plan;

(k) Project annual greenhouse gas emissions reductions that would result if each portfolio presented in the integrated system plan were extended through 2050;

(l) Describe the effects of the specific actions and investments of each portfolio presented in the integrated system plan on the safety, reliability, and resilience of the combination utility's energy service;

(m) Identify potential changes to depreciation schedules or other actions to align the combination utility's cost recovery with state laws, including reducing greenhouse gas emissions, minimizing costs, and minimizing risks to the combination utility and its customers;

(n) Explain the combination utility's analysis of the costs and benefits of an array of alternatives, including the costs of greenhouse gas emissions in the cost-benefit calculations;

(o) Describe the monitoring and verification methodology to be used in reporting; and

(p) Include any other information required by the commission.

(4) The commission must approve, reject, or approve with conditions the integrated system plan within 12 months of receiving the final plan. Once approved, a combination utility may include an integrated system plan in a proposal for a multiyear rate plan.

(a) In determining whether to approve the plan, the commission must evaluate whether the plan is in the public interest. This evaluation includes, but is not limited to, a consideration of:

(i) The equitable distribution of energy benefits and reduction of burdens to vulnerable populations and highly impacted communities;

(ii) Long-term and short-term public health, economic, and environmental benefits and the reduction of costs and risks; and

(iii) Energy security and resiliency.

(b) In evaluating whether a proposed integrated system plan is in the public interest, the commission shall take into account the following factors:

(i) Whether the specific actions in the integrated system plan achieve reductions in greenhouse gas emissions for each emissions reduction period;

(ii) Whether the integrated system plan demonstrates progress toward meeting the emissions reduction targets;

(iii) Whether investments in the integrated system plan prioritize serving low-income customers, vulnerable populations, and overburdened communities;

(iv) Whether the integrated system plan and the proposed actions in the plan are cost-effective and how the integrated system plan is likely to result in a reasonable cost to customers, where cost-effectiveness is defined in subsection (5) of this section;

(v) Whether the integrated system plan maintains system reliability and reduces long-term costs and risks to customers; and

(vi) Whether the integrated system plan will lead to new construction career opportunities and prioritizes a transition of natural gas and electricity utility workers to perform work on construction and maintenance of new and existing renewable energy infrastructure.

(5) The commission shall establish by rule a cost-effectiveness test for emissions reduction measures taken by combination utilities to comply with state clean energy and climate policies.

(a) The cost-effectiveness test must be used for the purpose of determining cost-effectiveness of decarbonization measures taken, at the portfolio level, by a combination utility under this chapter, and for any other purpose determined by the commission by rule.

(b) In evaluating the cost-effectiveness of gas decarbonization measures within the integrated system plan, a combination utility shall apply a risk reduction premium that shall account for: (i) The most recent allowance ceiling price approved by the department of ecology pursuant to the climate commitment act, chapter 70A.65 RCW; or (ii) a forward price index for allowance prices approved by the department of ecology. For the purpose of this chapter, the risk reduction premium is necessary to ensure that a combination utility is making appropriate long-term investments to mitigate against the allowance and fuel price risks to customers of the combination utility.

(c) The commission may approve, or amend and approve, an integrated system plan that exceeds the cost-effectiveness test and risk reduction premium requirements identified in this subsection only if it finds that the plan is in the public interest, costs to customers are reasonable, the plan includes mitigation of rate increases for low-income customers, and the benefits of the plan, including the costs of greenhouse gas emissions, exceed the costs.

(6) The commission shall determine the appropriate, cost-effective cost recovery mechanisms for a combination utility to meet its integrated system plan including, but not limited to:

(a) The majority of total capacity and energy necessary to meet the requirements of chapter 19.405 RCW to be supplied from resources owned and operated by the combination utility or an affiliate of the combination utility;

(b) A performance incentive mechanism;



(c) A return on generation assets and generation under contract based on the combination utility's authorized return on equity;

(d) A higher rate of return on certain electric assets including, but not limited to, microgrids, electric vehicle charging infrastructure, advanced metering infrastructure, new substations or distribution lines, and transmission upgrades; and

(e) A return on power purchase agreements that is no less than the authorized cost of debt and no greater than the authorized rate of return of the combination company, multiplied by the operating expense incurred by the combination utility under the power purchase agreement.

**NEW SECTION. Sec. 6.** (1) A combination utility must include the following in calculating its emissions baseline and projected cumulative emissions for an emissions reduction period, consistent with chapter 173-441 WAC:

(a) Methane leaked from the transportation and delivery of gas from the gas distribution and service pipelines from the city gate to customer end use;

(b) Greenhouse gas emissions resulting from the combustion of gas by customers not otherwise subject to federal greenhouse gas emissions reporting and excluding all transport customers; and

(c) Emissions of methane resulting from leakage from delivery of gas to other gas companies.

(2) In calculating an emissions reduction target, a combination utility must show its emissions baseline and projected cumulative greenhouse gas emissions for the applicable emissions reduction period separately and must show that the total emissions reductions are projected to make progress toward the achievement of the emissions reduction targets identified in the applicable integrated system plan. The final calculation must be presented on a carbon dioxide equivalent basis.

(3) All emissions are metric tons of carbon dioxide equivalent as reported to the federal environmental protection agency pursuant to 40 C.F.R. 98, either subpart W (methane) or subpart NN (carbon dioxide), or successor reporting requirements.

**NEW SECTION. Sec. 7.** (1) In any multiyear rate plan filed by a combination utility pursuant to RCW 80.28.425, the commission must adopt depreciation schedules for any gas plant in service as of the effective date of the depreciation schedules of the multiyear rate plan such that the incremental depreciation for each year of such a multiyear rate plan resulting from the depreciation is equal to one percent of the gas revenue requirement for the preceding year.

(2) After the approval of an integrated system plan, the combination utility may propose a merger of the rate bases supporting gas and electric operations of the combination utility into a single energy rate base and the adoption of rates for electric and gas service that support the

recovery of such a merged energy rate base. The commission may approve the merger of electric and gas rate bases if the commission finds that the proposal will result in a net benefit to customers of the combination utility.

(3) For a combination utility that has merged gas and electricity rate bases, the combination utility must monetize benefits from any applicable federal and state tax incentives for the benefit of customers. These benefits must be separately accounted for and amortized on a schedule designed to mitigate the rate impacts to customers after the rate bases are combined. These credits may not be used for any other purpose.

**NEW SECTION. Sec. 8.** (1) For any project in a decarbonization or targeted electrification plan of a combination utility that is part of a competitive solicitation and with a cost of more than \$10,000,000, the combination utility must certify to the commission that any work associated with such a project will be constructed by a prime contractor and its subcontractors in a way that includes community workforce agreements or project labor agreements and the payment of area standard prevailing wages and apprenticeship utilization requirements, provided the following apply:

(a) The combination utility and the prime contractor and all of its subcontractors, regardless of tier, have the absolute right to select any qualified and responsible bidder for the award of contracts on a specified project without reference to the existence or nonexistence of any agreements between such a bidder and any party to such a project labor agreement, and only when such a bidder is willing, ready, and able to become a party to, signs a letter of assent, and complies with such an agreement or agreements, should it be designated the successful bidder; and

(b) It is understood that this is a self-contained, stand-alone agreement, and that by virtue of having become bound to such an agreement or agreements, neither the prime contractor nor the subcontractors are obligated to sign any other local, area, or national agreement.

(2) Nothing in this section supersedes RCW 19.28.091 or 19.28.261 or chapter 49.17 RCW, without regard to project cost.

**NEW SECTION. Sec. 9.** Electrical companies, municipal electric utilities, public utility districts, irrigation districts, cooperatives, and mutual corporations providing retail electric service are encouraged to:

(1) Work with large gas companies providing gas service within their service areas to identify opportunities for electrification and the provision of energy peaking service by the large gas company;

(2) Account for the costs of greenhouse gas emissions, set total energy savings and greenhouse gas emissions reduction goals, and develop and implement electrification programs in collaboration with large gas companies providing gas service in service areas; and

(3) Include an electrification plan or transportation electrification program as part of collaboration with large gas companies.

NEW SECTION. **Sec. 10.** This chapter may be known and cited as the Washington decarbonization act for large combination utilities.

NEW SECTION. **Sec. 11.** Sections 4 through 10 of this act constitute a new chapter in Title 80 RCW.

NEW SECTION. **Sec. 12.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 13.** 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.

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

The striking amendment (340) 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 Doglio spoke in favor of the passage of the bill.

Representatives Dye, Abbarno, Couture, Chambers, Klicker, Schmick, Christian, McEntire, Corry, Dent, Orcutt, Connors, Walsh, Ybarra, Harris, Barnard and Wilcox spoke against the passage of the bill.

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

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1589, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Thai, Timmons, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Springer, Steele, Stokesbary, Tharinger, Walen, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Hansen and Volz

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

**HOUSE BILL NO. 1055, by Representatives Stokesbary, Ormsby, Leavitt, Simmons, Goodman, Lekanoff, Rule, Robertson, Bronoske, Bergquist and Davis**

**Concerning public safety employees' retirement plan membership for public safety telecommunicators.**

The bill was read the second time.

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

Representatives Stokesbary, Ormsby and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1055.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1055, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen and Volz

HOUSE BILL NO. 1055, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1712, by Representatives Schmick and Chapman**

**Protecting workers displaced due to finfish aquaculture facility closure.**

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1712.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1712, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier,

Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen and Volz

HOUSE BILL NO. 1712, having received the necessary constitutional majority, was declared passed.

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

### MOTIONS

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

HOUSE BILL NO. 1052  
 HOUSE BILL NO. 1084  
 HOUSE BILL NO. 1151  
 HOUSE BILL NO. 1197  
 HOUSE BILL NO. 1201  
 HOUSE BILL NO. 1209  
 HOUSE BILL NO. 1244  
 HOUSE BILL NO. 1275  
 HOUSE BILL NO. 1303  
 HOUSE BILL NO. 1332  
 HOUSE BILL NO. 1362  
 HOUSE BILL NO. 1455  
 HOUSE BILL NO. 1684  
 HOUSE BILL NO. 1764  
 HOUSE BILL NO. 1789  
 HOUSE BILL NO. 1829  
 HOUSE BILL NO. 1833  
 HOUSE BILL NO. 1168  
 HOUSE BILL NO. 1715

There being no objection, HOUSE BILL NO. 1714 was moved from the House Suspension Calendar to the House Second Reading Calendar.

There being no objection, the House adjourned until 9:00 a.m., Tuesday, March 7, 2023, the 58th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 7, 2023

The House was called to order at 9:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andrew Djaja and Hailey Myers. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Interim Pastor Ken Coleman, First Christian Church, Bremerton.

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

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4622**, by Representatives Bronoske and Leavitt

WHEREAS, Fumiko Kimura, a longtime 28th legislative district resident, has selflessly and compassionately dedicated her long life in Pierce County to the creation and development of Asian-inspired art; and

WHEREAS, Fumiko has been a strong leader in art education in the community and has played a key role in expanding art awareness within the Puget Sound region, more specifically awareness for Sumi painting and calligraphy; and

WHEREAS, Fumiko earned her master's degree in art education from the University of Puget Sound, and her artwork has been admired by many, collected by Microsoft, the Tacoma Art Museum, the Pierce County Library, Columbia Bank, the University of Puget Sound, and others; and

WHEREAS, Now past 90 years old, Fumiko is the only living founding member of the Puget Sound Sumi Artists Association, which was founded in 1986; and

WHEREAS, Fumiko and other artists founded the Puget Sound Sumi Artists Association with a mission to: "Encourage the advancement of artistry in sumi painting and related work in Asian brush calligraphy, and foster appreciation of sumi and brush calligraphy art in the community through exhibitions, demonstrations, and by teaching in schools and other venues;" and

WHEREAS, The Association has introduced thousands of school children to the fun of Sumi painting through in-school and community workshops, also introducing art workshops for adults and seniors; and

WHEREAS, With Fumiko's guidance, the Puget Sound Sumi Artists also offered an annual art scholarship, expanded professional skills, networking opportunities, and artistic fellowship in the community; and

WHEREAS, Fumiko has displayed great excellence in the community, and personally inspired thousands of children through her volunteer Sumi painting workshops in schools and within the Puget Sound region; and

WHEREAS, She has generously provided wisdom through mentorship for hundreds of adults through community college classes in Sumi painting and Asian calligraphy, many of which she offered free of charge; and

WHEREAS, Fumiko continues to inspire, mentor, and encourage the 70-plus members of the Puget Sound Sumi Artists Association, as well as members of the community who are eager to learn more about Sumi art through community education and outreach; and

WHEREAS, She is also the author of the book "Painting in Sumi--/Stroke and Stroke" and the co-author of another book titled "Persimmon and Frog: My Life And Art, a Kibei-Nisei's Story of Self-Discovery;"

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Fumiko Kimura, for her lifelong dedication to the creation and preservation of Sumi art, and her dedication to mentorship and inspiring others within the community; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the value of such strong dedication to art education in the community and for the outstanding example Fumiko has set for others.

HOUSE RESOLUTION NO. 4622 was adopted.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

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

**MESSAGE FROM THE SENATE**

Tuesday, March 7, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5102  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5236  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5582

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

**MOTIONS**

On motion of Representative Ramel, Representative Hansen was excused.

On motion of Representative Griffey, Representatives McClintock and Volz were excused.

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

**MOTION**

Representative Robertson moved that the Rules Committee be relieved of House Bill No. 1363 and that the bill be placed on the second reading calendar.

Representative Robertson spoke in favor of the motion.

Representative Fitzgibbon spoke against the motion.

The Speaker (Representative Orwall presiding) stated the question before the House to be the motion to relieve the Rules Committee of House Bill No. 1363 and place the bill on the second reading calendar.

**ROLL CALL**

The Clerk called the roll on the motion to relieve the Rules Committee of House Bill No. 1363 and place the bill on the second

reading calendar, and the motion failed by the following vote: Yeas, 38; Nays, 57; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Walsh, Waters, Wilcox, Ybarra

Voting Nay: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Jinkins, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie

Excused: Representatives Hansen, McClintock, Volz

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

## SECOND READING

**HOUSE BILL NO. 1541, by Representatives Farivar, Couture, Mena, Pollet, Taylor, Ortiz-Self, Street, Thai, Reed, Waters, Fosse, Caldier, Simmons, Davis, Alvarado, Schmidt, Ryu, Griffey, Ramel, Barnard, Orwall, Hackney, Bergquist, Walen, Berry, Tharinger, Peterson, Goodman, Volz, Eslick, Stonier, Gregerson, Riccelli, Ormsby, Kloba, Doglio, Bateman, Macri and Duerr**

### Establishing the nothing about us without us act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1541 was substituted for House Bill No. 1541 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1541 was read the second time.

With the consent of the House, amendment (372) was withdrawn.

Representative Farivar moved the adoption of amendment (245):

On page 2, line 22, after "examining" insert "and reporting to the legislature on"

On page 2, beginning on line 31, after "(2)" strike all material through "issue." on line 36 and insert "(a) "Statutory entity" means a multimember task force, work group, or advisory committee, that is:

(i) Temporary;

(ii) Established by legislation;

(iii) Established for the specific purpose of examining a particular policy or issue directly and tangibly affecting a particular underrepresented population; and

(iv) Required to report to the legislature on the policy or issue it is tasked with examining.

(b) "

On page 3, beginning on line 33, strike all of subsection (5)

On page 4, at the beginning of line 10, strike "(6)" and insert "(5)"

On page 4, line 12, after "(1)" strike "Beginning" and insert "Except as provided

in subsection (2) of this section, beginning"

On page 5, line 1, after "(2)" insert "Statutory entities administered by the legislature must collect the information described in subsection (1) of this section and provide the information to the secretary of the senate and the chief clerk of the house of representatives but are not required to report the information to the office of equity.

(3) "

On page 5, line 22, after "participation" insert "in stakeholder engagement"

On page 5, beginning on line 23, after "experience" strike all material through "entities" on line 25

On page 6, line 4, after "liaisons," insert "members of the legislature,"

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

Amendment (245) was adopted.

Representative Farivar moved the adoption of amendment (378):

On page 3, beginning on line 28, after "(3)" strike all material through "entity" on line 29 and insert "When making appointments to a statutory entity, appointing authorities:

(a) May consult with the office of equity; and

(b) Must consult with the relevant state entities identified in the toolkit created by the office of equity pursuant to section 5 of this act, except for appointing authorities from the legislative branch"

On page 5, beginning on line 18, after "with" strike all material through "experience" on line 21 and insert "state boards and commissions that support the participation of people from underrepresented populations in policy making processes, and may consult with other relevant state agencies, departments, and offices"

On page 6, line 17, after "section;" strike "and"

On page 6, line 21, after "43.03 RCW" insert "; and

(v) A list of state entities for appointing authorities to consult with when making appointments to statutory entities"

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

Amendment (378) 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, Couture, Dye and Griffey spoke in favor of the passage of the bill.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1541.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1541, and the bill passed the House by the following vote: Yeas, 83; Nays, 12; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Chandler, Christian, Corry, Dent, Jacobsen, McEntire, Orcutt, Rude, Schmick, Schmidt and Walsh

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1541, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1052, by Representatives Ramel, Lekanoff, Bateman, Reed, Pollet, Walen, Doglio and Kloba**

**Providing a property tax exemption for qualified real and personal property owned or used by a nonprofit entity in providing qualified housing funded in whole or part through a local real estate excise tax.**

The bill was read the second time.

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

Representatives Ramel and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1052.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1052, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai,

Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1052, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1197, by Representatives Bronoske, Berry, Bateman, Simmons, Fosse, Davis and Pollet**

**Defining attending provider and clarifying other provider functions for workers' compensation claims, and adding psychologists as attending providers for mental health only claims.**

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 Bronoske spoke in favor of the passage of the bill.

Representative Schmidt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1197.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1197, and the bill passed the House by the following vote: Yeas, 64; Nays, 31; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Hutchins, Jacobsen, Klicker, Kretz, Low, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Schmidt, Steele, Stokesbary, Walsh, Wilcox and Ybarra

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1197, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1019, by Representatives Dent, Chapman, Ryu, Corry, Sandlin, Reeves, Springer, Schmick and Davis**

**Creating the pesticide advisory board.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1019 was substituted for House Bill No. 1019 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1019 was read the second time.

With the consent of the House, amendment (112) was withdrawn.

Representative Lekanoff moved the adoption of amendment (116):

On page 2, beginning on line 16, after "One" strike "at-large member selected by the director through a nomination process established by the director" and insert "migrant farmworker"

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

Amendment (116) 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 and Reeves spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1019.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1019, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1019, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1209, by Representatives Leavitt, Griffey, Fey, Bronoske and Davis**

**Restricting the possession, purchase, delivery, and sale of certain equipment used to illegally process controlled substances.**

The bill was read the second time.

Representative Griffey moved the adoption of amendment (237):

On page 4, after line 25, insert the following:

"NEW SECTION. **Sec. 3.** This act may be known and cited as the Tyler Lee Yates act."

Correct any internal references accordingly.

Correct the title.

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

Amendment (237) 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 Leavitt, Mosbrucker, Griffey and Christian spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1209.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1209, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED HOUSE BILL NO. 1209, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1275, by Representatives Thai, Harris and Riccelli**

**Concerning athletic trainers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1275 was substituted for House Bill No. 1275 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1275 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 Thai and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1275.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1275, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt,

Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1275, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

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

### MESSAGE FROM THE SENATE

Tuesday, March 7, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5145  
SENATE BILL NO. 5316  
SUBSTITUTE SENATE BILL NO. 5460  
ENGROSSED SENATE BILL NO. 5592  
SENATE BILL NO. 5725

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

### SECOND READING

**HOUSE BILL NO. 1715, by Representatives Davis, Mosbrucker, Duerr, Griffey, Walen, Lekanoff, Morgan, Callan, Ramel, Thai, Rule, Ryu, Kloba, Chopp, Pollet, Chapman, Mena, Cortes, Eslick, Bergquist and Fey**

**Enacting comprehensive protections for victims of domestic violence and other violence involving family members or intimate partners.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1715 was substituted for House Bill No. 1715 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1715 was read the second time.

Representative Davis moved the adoption of the striking amendment (342):

Strike everything after the enacting clause and insert the following:

#### **"Part I. Electronic Monitoring with Victim Notification Technology**

NEW SECTION. **Sec. 101.** A new section is added to chapter 43.101 RCW to read as follows:

(1) By December 1, 2023, the commission must adopt rules:

(a) Establishing standards for the operation of electronic monitoring with victim notification technology by monitoring

agencies, with the goal of implementing best practices to improve victim safety;

(b) Establishing protocols for implementing court orders that include electronic monitoring with victim notification, including protocols for the installation and removal of monitoring devices to ensure uninterrupted monitoring services following release from detainment or incarceration; and

(c) Establishing any additional requirements necessary to promote compliance with RCW 2.56.260 and 9.94A.736, which may include, but not be limited to, training requirements for court officials, peace officers, 911 dispatchers, local corrections officers and staff, and other appropriate practitioners.

(2) In developing the rules required under this section, the commission must solicit input from courts of general and limited jurisdiction, local governments, monitoring agencies, and statewide associations representing law enforcement leaders, prosecutors, domestic violence victims, and domestic violence agencies.

(3) The commission must develop a model policy on electronic monitoring with victim notification technology based on best practices where the technology is being currently used in Washington. Each law enforcement agency in the state must adopt its own policy based on the model policy.

(4) For the purposes of this section:

(a) "Electronic monitoring" has the meaning provided in RCW 9.94A.030; and

(b) "Monitoring agency" has the meaning provided in RCW 9.94A.736.

NEW SECTION. **Sec. 102.** A new section is added to chapter 2.56 RCW to read as follows:

The administrative office of the courts must contract with one or more entities to:

(1) Provide additional training on electronic monitoring with victim notification technology to prosecutors, law enforcement officers, judges, domestic violence agencies, attorneys representing domestic violence survivors, and any other persons or entities deemed appropriate by the administrative office of the courts; and

(2) Create a website with information about electronic monitoring with victim notification technology, including recorded trainings, brochures or flyers, approved vendors, and specific instructions on how victims may advocate or request electronic monitoring with victim notification technology.

#### **Part II. Access to Counsel**

NEW SECTION. **Sec. 201.** (1) The office of civil legal aid shall propose a plan to standardize and expand statewide access to civil legal assistance for survivors of domestic violence as defined in RCW 7.105.010 in protection order proceedings initiated in superior and district courts and in family law proceedings. The plan must include the following specific areas of focus:



(a) Exploration of how deployment of publicly funded attorneys could integrate with existing networks of community and nonprofit organizations already providing support for domestic violence survivors;

(b) Strategies for expanding the number of private attorneys available to provide effective civil legal representation to domestic violence survivors;

(c) Strategies for incorporating high quality, culturally responsive, equity and trauma-informed assistance by nonattorneys into delivery systems where appropriate;

(d) A proposed implementation schedule and priorities;

(e) Provisions to ensure effective training, support, technical, and other assistance to ensure equity and trauma-informed legal assistance targeted to survivors at greatest risk of lethal and other aggravated harms who are unable to afford counsel;

(f) Any statutory changes necessary to implement the plan, including a description of how expanded access to counsel interacts with the appointment of counsel under RCW 7.105.240; and

(g) Any other information deemed appropriate by the office of civil legal aid.

(2) The office of civil legal aid must report the plan to the appropriate legislative committees by September 30, 2024.

(3) This section expires December 31, 2024.

**NEW SECTION. Sec. 202.** A new section is added to chapter 2.53 RCW to read as follows:

The legislature recognizes: The authority of tribes to exercise tribal court civil jurisdiction in domestic violence matters; that tribal courts and tribal programs serve residents of this state; that consistent with tribal sovereignty and the centennial accord, the state of Washington does not have the authority to direct tribal court practices or direct that counsel be appointed in tribal court civil protection proceedings; and that provisions of chapter 7.105 RCW do not apply in tribal courts. Where consistent with tribal justice system rules and practices, and upon agreement with individual tribal courts or justice systems, the state should support the provision of indigenous-informed, culturally appropriate legal support for indigenous survivors of domestic violence in tribal court domestic violence protection proceedings. To this end, and subject to appropriations for this purpose, the office of civil legal aid shall coordinate with the Indian policy advisory council at the department of social and health services and representatives of tribal justice systems to develop a plan and implementation schedule to provide indigenous-informed, culturally appropriate legal support for survivors in tribal court domestic violence protection proceedings. The office of civil legal aid shall submit the plan along with fiscal projections for its implementation to the appropriate legislative committees by December 1, 2024.

### Part III. Civil Proceedings

**Sec. 301.** RCW 7.105.155 and 2022 c 268 s 10 are each amended to read as follows:

When service is to be completed under this chapter by a law enforcement officer:

(1) The clerk of the court shall have a copy of any order issued under this chapter, the confidential information form, as well as the petition for a protection order and any supporting materials, electronically forwarded on or before the next judicial day to the law enforcement agency in the county or municipality where the respondent resides, as specified in the order, for service upon the respondent. If the respondent has moved from that county or municipality and personal service is not required, the law enforcement agency specified in the order may serve the order;

(2) Service of an order issued under this chapter must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature;

(3) Where personal service is required, the first attempt at service must occur within 24 hours of receiving the order from the court (~~whenever practicable, but not more than five days after receiving the order~~) unless an emergency situation renders the service infeasible. If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members. All attempts at service must be documented on a proof of service form and submitted to the court in a timely manner;

(4) If service cannot be completed within 10 calendar days, the law enforcement officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification. Law enforcement shall continue to attempt to complete service unless otherwise directed by the court. In the event that the petitioner does not provide a service address for the respondent or there is evidence that the respondent is evading service, the law enforcement officer shall use law enforcement databases to assist in locating the respondent;

(5) If the respondent is in a protected person's presence at the time of contact for service, the law enforcement officer should take reasonable steps to separate the parties when possible prior to completing the service or inquiring about or collecting firearms. When the order requires the respondent to vacate the parties' shared residence, law enforcement shall take reasonable steps to ensure that the respondent has left the premises and is on notice that (~~his or her~~) the respondent's return is a violation of the terms of the order. The law enforcement officer shall provide the respondent with copies of all forms with the exception of the confidential information form completed by the protected party and the proof of service form;

(6) Any law enforcement officer who serves a protection order on a respondent with the knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment shall make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner;

(7) Proof of service must be submitted to the court on the proof of service form. The form must include the date and time of service and each document that was served in order for the service to be complete, along with any details such as conduct at the time of service, threats, or avoidance of service, as well as statements regarding possession of firearms, including any denials of ownership despite positive purchase history, active concealed pistol license, or sworn statements in the petition that allege the respondent's access to, or possession of, firearms; or

(8) If attempts at service were not successful, the proof of service form or the form letter showing that the order was not served, and stating the reason it was not served, must be returned to the court by the next judicial day following the last unsuccessful attempt at service. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed.

**Sec. 302.** RCW 7.105.255 and 2022 c 268 s 15 are each amended to read as follows:

(1) To help ensure familiarity with the unique nature of protection order proceedings, and an understanding of trauma-informed practices and best practices in the use of new technologies for remote hearings, judicial officers, including persons who serve as judicial officers pro tempore, should receive evidence-based training on procedural justice, trauma-informed practices, gender-based violence dynamics, coercive control, elder abuse, juvenile sex offending, teen dating violence, domestic violence homicide prevention, and requirements and best practices for the surrender of weapons before presiding over protection order hearings. Trainings should be provided on an ongoing basis as best practices, research on trauma, and legislation continue to evolve. As a method of continuous training, court commissioners, including pro tempore commissioners, shall be notified by the presiding judge or court administrator upon revision of any decision made under this chapter.

(2) The administrative office of the courts shall develop training for judicial officers on the topics listed in subsection (1) of this section, which must be provided free of charge to judicial officers.

**Sec. 303.** RCW 7.105.310 and 2022 c 268 s 17 and 2022 c 231 s 9 are each reenacted and amended to read as follows:

(1) In issuing any type of protection order, other than an ex parte temporary antiharassment protection order as limited by subsection (2) of this section, and other than an extreme risk protection order, the

court shall have broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from committing any of the following acts against the petitioner and other persons protected by the order: Domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;

(b) Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(c) Exclude the respondent from the residence that the parties share;

(d) Exclude the respondent from the residence, workplace, or school of the petitioner; or from the day care or school of a minor child;

(e) Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, the protected party's person, and the protected party's vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;

(f) If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in chapter 26.09 RCW. However, parenting plans as specified in chapter 26.09 RCW must not be required under this chapter. The court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a different action. A protection order must not be denied on the grounds that the parties have an existing parenting plan in effect. A protection order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;

(g) Order the respondent to participate in a state-certified domestic violence perpetrator treatment program approved under RCW 43.20A.735 or a state-certified sex offender treatment program approved under RCW 18.155.070;

(h) Order the respondent to obtain a mental health or chemical dependency evaluation. If the court determines that a mental health evaluation is necessary, the court shall clearly document the reason for this determination and provide a specific question or questions to be answered by the mental health professional. The court shall consider the ability of the respondent to pay for an evaluation. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the

parent or legal guardian demonstrates inability to pay;

(i) In cases where the petitioner and the respondent are students who attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger, emotional distress, or educational disruption to the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the respondent not attend the public or private elementary, middle, or high school attended by the petitioner. If a minor respondent is prohibited attendance at the minor's assigned public school, the school district must provide the student comparable educational services in another setting. In such a case, the district shall provide transportation at no cost to the respondent if the respondent's parent or legal guardian is unable to pay for transportation. The district shall put in place any needed supports to ensure successful transition to the new school environment. The court shall send notice of the restriction on attending the same school as the petitioner to the public or private school the respondent will attend and to the school the petitioner attends;

(j) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense, and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians. Reasonable attorneys' fees or limited licensed legal technical fees are mandatory under subsection (4) of this section. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

(k) Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, cyber harassment as defined in RCW 9A.90.120, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

(l) Other than for respondents who are minors, require the respondent to submit to electronic monitoring, including electronic monitoring with victim notification technology. The order must specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent

pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(m) Consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in ~~((his or her))~~ the respondent's custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800;

(n) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent, and may prohibit the respondent from interfering with the petitioner's efforts to obtain the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

(o) Order use of a vehicle;

(p) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the protection order is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought a protection order under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case;

(q) Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;

(r) Require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources;

(s) Restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding 90 days;

(t) Order financial relief and restrain the transfer of jointly owned assets;

(u) Restrain the respondent from possessing or distributing intimate images, as defined in RCW 9A.86.010, depicting the petitioner including, but not limited to, requiring the respondent to: Take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control; and cease any and all disclosure of those intimate images. The court may also inform the respondent that it would be appropriate to ask third parties in possession or control of the intimate images of this protection order to take down and delete the intimate images so that the order may not inadvertently be violated; or

(v) Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or directives to a law enforcement officer, as allowed under this chapter.

(2) In an antiharassment protection order proceeding, the court may grant the relief specified in subsection (1)(c), (f), and (t) of this section only as part of a full antiharassment protection order.

(3) The court in granting a temporary antiharassment protection order or a civil antiharassment protection order shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

(4)(a) Except as provided in (b) of this subsection, in issuing a domestic violence, sexual assault, or stalking protection order on behalf of a prevailing petitioner, the court must order the respondent to pay reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians.

(b) If the court finds by a preponderance of the evidence that an order to pay reasonable attorneys' fees or limited license legal technician fees would be manifestly unjust or that the respondent is currently unable to pay the fees and is unlikely to be able to pay the fees in the future, the court may set the fees at a lower amount, enter into a payment plan with the respondent, or decline to order payment of the fees.

(5) The court shall not take any of the following actions in issuing a protection order.

(a) The court may not order the petitioner to obtain services including, but not limited to, drug testing, victim support services, a mental health assessment, or a psychological evaluation.

(b) The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with this chapter. Except as provided in RCW

7.105.210, the court shall not issue a temporary protection order to any party unless the party has filed a petition or counter-petition for a protection order seeking relief in accordance with this chapter.

(c) Under no circumstances shall the court deny the petitioner the type of protection order sought in the petition on the grounds that the court finds that a different type of protection order would have a less severe impact on the respondent.

~~((45))~~(6) The order shall specify the date the order expires, if any. For permanent orders, the court shall set the date to expire 99 years from the issuance date. The order shall also state whether the court issued the protection order following personal service, service by electronic means, service by mail, or service by publication, and whether the court has approved service by mail or publication of an order issued under this section.

**Sec. 304.** RCW 7.105.450 and 2022 c 268 s 21 are each amended to read as follows:

(1)(a) Whenever a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order is granted under this chapter, or an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, or there is a Canadian domestic violence protection order as defined in RCW 26.55.010, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or the restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision 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;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing with either the petitioner or the respondent; ~~((6#))~~

(v) A provision requiring the respondent to submit to electronic monitoring; or

(vi) A provision of a foreign protection order or a Canadian domestic violence protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court:

(i) May require that the respondent submit to electronic monitoring. The court shall specify who must provide the electronic monitoring services and the terms

under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring; and

(ii) Shall impose a fine of \$15, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the \$15 fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(2) A law enforcement officer shall arrest without a warrant and take into custody a person whom the law enforcement officer has probable cause to believe has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits 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, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or a court order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99,

26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, is a class C felony if the offender has at least two previous convictions for violating the provisions of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) (a) A defendant arrested for violating a domestic violence protection order, sexual assault protection order, stalking protection order, or vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, is required to appear in person before a magistrate within one judicial day after the arrest. At the time of the appearance, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release.

(b) A defendant who is charged by citation, complaint, or information with violating any protection order identified in (a) of this subsection and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than 14 days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(7) Upon the filing of an affidavit by the petitioner or any law enforcement officer alleging that the respondent has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days as to why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

(8) Appearances required under this section are mandatory and cannot be waived.

**Sec. 305.** RCW 7.105.500 and 2022 c 268 s 23 are each amended to read as follows:

This section applies to modification or termination of domestic violence protection orders, sexual assault protection orders, stalking protection orders, and antiharassment protection orders.

(1) Upon a motion with notice to all parties and after a hearing, the court may modify the terms of an existing protection order or terminate an existing order.

(2) A respondent's motion to modify or terminate an existing protection order must include a declaration setting forth facts supporting the requested order for modification or termination. The nonmoving parties to the proceeding may file opposing declarations. All motions to modify or terminate shall be based on the written materials and evidence submitted to the court. The court shall set a hearing only if the court finds that adequate cause is established. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion, which must be at least 14 days from the date the court finds adequate cause.

(3) Upon the motion of a respondent, the court may not modify or terminate an existing protection order unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances such that the respondent will not resume, engage in, or attempt to engage in, the following acts against the petitioner or those persons protected by the protection order if the order is terminated or modified:

(a) Acts of domestic violence, in cases involving domestic violence protection orders;

(b) Physical or nonphysical contact, in cases involving sexual assault protection orders;

(c) Acts of stalking, in cases involving stalking protection orders; or

(d) Acts of unlawful harassment, in cases involving antiharassment protection orders.

The petitioner bears no burden of proving that ~~((he or she))~~ the petitioner has a current reasonable fear of harm by the respondent.

(4) In determining whether there has been a substantial change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(a) Whether the respondent has committed or threatened sexual assault, domestic violence, stalking, or other harmful acts against the petitioner or any other person since the protection order was entered;

(b) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(c) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(d) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(e) Whether the respondent has either acknowledged responsibility for acts of sexual assault, domestic violence, stalking, or behavior that resulted in the entry of

the protection order, or successfully completed state-certified perpetrator treatment or counseling since the protection order was entered;

(f) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(g) Whether the petitioner consents to terminating the protection order, provided that consent is given voluntarily and knowingly; or

(h) Other factors relating to a substantial change in circumstances.

(5) In determining whether there has been a substantial change in circumstances, the court may not base its determination on the fact that time has passed without a violation of the order.

(6) Regardless of whether there is a substantial change in circumstances, the court may decline to terminate a protection order if it finds that the acts of domestic violence, sexual assault, stalking, unlawful harassment, and other harmful acts that resulted in the issuance of the protection order were of such severity that the order should not be terminated.

(7) A respondent may file a motion to modify or terminate an order no more than once in every 12-month period that the order is in effect, starting from the date of the order and continuing through any renewal period.

(8) If a person who is protected by a protection order has a child or adopts a child after a protection order has been issued, but before the protection order has expired, the petitioner may seek to include the new child in the order of protection on an ex parte basis if the child is already in the physical custody of the petitioner. If the restrained person is the legal or biological parent of the child, a hearing must be set and notice given to the restrained person prior to final modification of the full protection order.

(9) ~~((A court may))~~ (a) (i) Except as provided in (a) (ii) of this subsection, a court must require the respondent to pay the petitioner for costs incurred in responding to a motion to modify or terminate a domestic violence, sexual assault, or stalking protection order, including reasonable attorneys' fees.

(ii) If the court finds by a preponderance of the evidence that an order to pay costs would be manifestly unjust or that the respondent is currently unable to pay the costs and is unlikely to be able to pay the costs in the future, the court may set the costs at a lower amount, enter into a payment plan with the respondent, or decline to order payment of the costs.

(b) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to modify or terminate any other type of protection order, including reasonable attorneys' fees.

NEW SECTION. Sec. 306. A new section is added to chapter 7.105 RCW to read as follows:

(1) Because of the potential for error in protection order proceedings and the danger

associated with firearm access in domestic violence situations, in any proceeding in which the court enters a temporary protection order that includes a temporary order to surrender and prohibit weapons, and after the hearing the court denies the petition for a full protection order, the order to surrender and prohibit weapons must remain in effect until the period for a petitioner to file a motion for reconsideration or revision has passed. If a motion for reconsideration or revision is filed, the order to surrender and prohibit weapons must remain in effect until the motion for reconsideration or revision is resolved.

(2) The court must notify the petitioner verbally and provide the petitioner with written information at the hearing in which the court denies the petition for a full protection order explaining the procedures and timelines for filing a motion for reconsideration or a motion for revision. The information must also include contact information for civil legal aid organizations that may assist the petitioner with a motion for reconsideration or a motion for revision.

(3) Subsection (1) of this section does not apply if allowing the order to surrender and prohibit weapons to remain in effect would be manifestly unjust including, but not limited to, situations where the court finds the temporary protection order was entirely without merit, the petitioner was engaged in abusive use of litigation, or the petitioner was exerting coercive control, as defined in RCW 7.105.010, over the respondent.

#### **Part IV. Domestic Violence Protections**

**Sec. 401.** RCW 10.99.033 and 2019 c 367 s 2 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers must stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by July 28, 2019, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission must include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training must be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum must include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize

the likelihood of officer injury and that promote victim safety, trauma-informed investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, best practices for implementation and enforcement of orders to surrender and prohibit weapons and extreme risk protection orders, the impacts that trauma may have on domestic violence victims, understanding the risks of traumatic brain injury posed by domestic violence, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with domestic violence laws. The program must include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The program must also include training on domestic violence homicide prevention, the intersection of firearms and domestic violence, best practices for serving and enforcing protection orders, and assistance to and services for victims and children. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section must be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.

**Sec. 402.** RCW 10.99.040 and 2021 c 215 s 122 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence; and

(e) Shall not deny issuance of a no-contact order based on the existence of an

applicable civil protection order preventing the defendant from contacting the victim.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800, and shall order the defendant to surrender, and prohibit the person from possessing, all firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible, and shall state that it may be extended as provided in subsection (3) of this section. By January 1, 2011, the administrative office of the courts shall develop a pattern form for all no-contact orders issued under this chapter. A no-contact order issued under this chapter must substantially comply with the pattern form developed by the administrative office of the courts.

(3)(a) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. So long as the court finds probable cause, the court may issue or extend a no-contact order even if the defendant fails to appear at arraignment. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed.

(b) In issuing the order, the court shall consider all information documented in the incident report concerning the person's possession of and access to firearms and whether law enforcement took temporary custody of firearms at the time of the arrest. The court may as a condition of release prohibit the defendant from possessing or accessing firearms and order the defendant to immediately surrender all firearms and any concealed pistol license to a law enforcement agency upon release.

(c) If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring as defined in RCW 9.94A.030. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant (~~reimburse the providing agency for~~) pay

the costs of the electronic monitoring. If a defendant enters into a deferred prosecution or stipulated order of continuance, the applicable order or agreement may require the defendant pay the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2), (3), or (7) of this section is punishable under RCW 7.105.450.

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 7.105 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed.

(6) Whenever a no-contact order is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

(7) All courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a no-contact order issued under this chapter. The administrative office of the courts shall develop a model policy to assist the courts in implementing the requirements of this subsection.

## **Part V. Firearms and Dangerous Weapons**

**Sec. 501.** RCW 9.41.340 and 2020 c 29 s 5 are each amended to read as follows:

(1)(a) Each law enforcement agency shall develop a notification protocol that (~~allows~~):

(i) Allows a family or household member or intimate partner to use an incident or case number to request to be notified when a law enforcement agency returns a privately



owned firearm to the individual from whom it was obtained or to an authorized representative of that person; and

(ii) Requires, once the portal created under section 804 of this act is available, immediate law enforcement entry in a portal created and maintained by the Washington association of sheriffs and police chiefs with the intended purpose to provide timely and accurate information to the statewide automated protected person notification system created under RCW 36.28A.410 when a law enforcement agency returns a privately owned firearm to any respondent identified in a no-contact order, restraining order, or protection order.

~~((a))~~ (b)(i) Notification may be made via telephone, email, text message, or another method that allows notification to be provided without unnecessary delay.

~~((b))~~ (ii) If a law enforcement agency is in possession of more than one privately owned firearm from ~~((a single person))~~ an individual, notification relating to the return of one firearm shall be considered notification for all privately owned firearms for that person.

(2) A law enforcement agency shall not provide notification to any party other than ~~((a family or household member or intimate partner who has an incident or case number and who has requested to be notified pursuant to this section or))~~ another criminal justice agency or as authorized or required under subsection (1) of this section.

(3) The information provided by a family or household member or intimate partner pursuant to chapter 130, Laws of 2015, including the existence of the request for notification, is not subject to public disclosure pursuant to chapter 42.56 RCW.

(4) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to this section, so long as the release or failure was without gross negligence.

(5) An individual who knowingly makes a request for notification under this section based on false information may be held liable under RCW 9A.76.175.

**Sec. 502.** RCW 9.41.345 and 2020 c 29 s 6 are each amended to read as follows:

(1) Before a law enforcement agency returns a privately owned firearm, the law enforcement agency must:

(a) Confirm that the individual to whom the firearm will be returned is the individual from whom the firearm was obtained or an authorized representative of that person;

(b) Confirm that the individual to whom the firearm will be returned is eligible to possess a firearm pursuant to RCW 9.41.040;

(c) Ensure that the firearm is not otherwise required to be held in custody or otherwise prohibited from being released; ~~((and))~~

(d) Ensure that twenty-four hours have elapsed from the time the firearm was obtained by law enforcement, unless the firearm was seized in connection with a domestic violence call pursuant to RCW 10.99.030, in which case the law enforcement agency must ensure that five business days have elapsed from the time the firearm was obtained;

(e) If a family or household member or intimate partner has requested notification, provide notice to the family or household member or intimate partner who has requested notification within one business day of verifying that the requirements in (a) through (c) of this subsection have been met; and

(f) Once the portal created under section 804 of this act is available, immediately enter in the portal created and maintained by the Washington association of sheriffs and police chiefs with the intended purpose to provide timely and accurate information to the statewide automated protected person notification system created under RCW 36.28A.410, when any respondent identified in a no-contact order, restraining order, or protection order has met the requirements in (a) through (c) of this subsection. Law enforcement must provide the respondent's name, date of birth, protective order number, and date the respondent is eligible to have the respondent's firearms returned.

(2) (a) Once the requirements in subsections (1) and (3) of this section have been met, a law enforcement agency must release a firearm to the individual from whom it was obtained or an authorized representative of that person upon request without unnecessary delay.

(b) (i) If a firearm cannot be returned because it is required to be held in custody or is otherwise prohibited from being released, a law enforcement agency must provide written notice to the individual from whom it was obtained within five business days of the individual requesting return of ~~((his or her))~~ the firearm and specify the reason the firearm must be held in custody.

(ii) Notification may be made via email, text message, mail service, or personal service. For methods other than personal service, service shall be considered complete once the notification is sent.

~~(3) If ((a family or household member or intimate partner has requested to be notified pursuant to RCW 9.41.340)) notification is required under subsections (1)(e) or (f) of this section, a law enforcement agency must~~ ~~((+~~

~~(a) Provide notice to the family or household member or intimate partner within one business day of verifying that the requirements in subsection (1) of this section have been met; and~~

~~(b) Hold) hold~~ the firearm in custody for seventy-two hours from the time notification has been provided or information has been entered.

(4) (a) A law enforcement agency may not return a concealed pistol license that has been surrendered to, or impounded by, the law enforcement agency for any reason to the licensee until the law enforcement agency determines the licensee is eligible to

possess a firearm under state and federal law and meets the other eligibility requirements for a concealed pistol license under RCW 9.41.070.

(b) A law enforcement agency must release a concealed pistol license to the licensee without unnecessary delay, and in no case longer than five business days, after the law enforcement agency determines the requirements of (a) of this subsection have been met.

(5) The provisions of chapter 130, Laws of 2015 and subsection (4) of this section shall not apply to circumstances where a law enforcement officer has momentarily obtained a firearm or concealed pistol license from an individual and would otherwise immediately return the firearm or concealed pistol license to the individual during the same interaction.

**Sec. 503.** RCW 9.41.801 and 2022 c 268 s 30 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent shall be provided a copy and further service is not required. If the respondent refuses to receive a copy, an agent of the court may indicate on the record that the respondent refused to receive a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. The

respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent. The law enforcement agency shall file the original receipt with the court within 24 hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800 or 10.99.100, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control. If probable cause exists that a crime occurred, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800 or 10.99.100, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. A compliance review hearing is not required if

the court can otherwise enter findings on the record or enter written findings that the proof of surrender or declaration of nonsurrender attested to by the person subject to the order, along with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in the person's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, to a law enforcement agency. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible at which the respondent must be present and provide proof of compliance with the court's order. Courts shall make available forms that petitioners may complete and submit to the court in response to a respondent's declaration of whether the respondent has surrendered weapons.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender and prohibit weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may issue an arrest warrant and initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute. Law enforcement shall also serve a copy of the order to show cause on the petitioner, either electronically or in person, at no cost.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender and prohibit weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender and prohibit weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court

shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and the agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of a declaration.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to surrender and prohibit weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an order to surrender and prohibit weapons issued in connection with another type of protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 must state that the act of voluntarily surrendering firearms or weapons, or providing testimony relating to the surrender of firearms or weapons, pursuant to such an order, may not be used against the respondent in any criminal prosecution under this chapter, chapter 7.105 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, and concealed pistol licenses that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm or

concealed pistol license that has been surrendered under RCW 9.41.800 shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

(11) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of orders issued under this chapter by each court, the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures to enhance compliance and victim safety.

**Sec. 504.** RCW 9.41.804 and 2014 c 111 s 5 are each amended to read as follows:

(A) (1) Except as provided in subsection (2) of this section, a party ordered to surrender firearms, dangerous weapons, and ((his or her)) the party's concealed pistol license under RCW 9.41.800 must file with the clerk of the court a proof of surrender and receipt form or a declaration of nonsurrender form within five judicial days of the entry of the order.

(2) A person ordered to surrender firearms or dangerous weapons under RCW 10.99.100 must file with the clerk of the court a proof of surrender and receipt form or a declaration of nonsurrender form before the defendant is released from any term of confinement, or, if the defendant is not sentenced to a term of confinement, before the conclusion of the hearing regarding the entry of the order.

**Sec. 505.** RCW 7.105.340 and 2022 c 268 s 19 are each amended to read as follows:

(1) Upon the issuance of any extreme risk protection order under this chapter, including a temporary extreme risk protection order, the court shall:

(a) Order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070; and

(b) Other than for ex parte temporary protection orders, direct law enforcement to revoke any concealed pistol license issued to the respondent.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, shall request that the respondent immediately surrender all firearms in ((his or her)) the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent must be provided a copy and further service

is not required. If the respondent refuses to accept a copy, an agent of the court may indicate on the record that the respondent refused to accept a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service must be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms and any concealed pistol license, not previously surrendered, in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. If the respondent is in custody, arrangements to recover the firearms must be made prior to release. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that ((his or her)) the officer's law enforcement agency retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in ((his or her)) the respondent's possession, custody, or control. If probable cause for a violation of the order exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides written verification to the court regarding how the lawful owner will safely store the

firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;

(b) The court advises the lawful owner of the penalty for failure to do so; and

(c) The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The compliance review hearing is not required upon a satisfactory showing on which the court can otherwise enter findings on the record that the respondent has timely and completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of, and failed to fully comply with, the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing, and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and that a law enforcement agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding must not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard or submit written information at any hearing that concerns compliance with an extreme risk protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An extreme risk protection order must state that the act of voluntarily surrendering firearms, or providing testimony relating to the surrender of firearms, pursuant to such an order, may not be used against the respondent in any criminal prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must develop and implement policies and procedures regarding the acceptance,

storage, and return of firearms required to be surrendered under this chapter. Any surrendered firearms must be handled and stored properly to prevent damage or degradation in appearance or function, and the condition of the surrendered firearms documented, including by digital photograph. A law enforcement agency holding any surrendered firearm or concealed pistol license shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

**Sec. 506.** RCW 10.21.050 and 2018 c 276 s 5 are each amended to read as follows:

The judicial officer in any felony, misdemeanor, or gross misdemeanor case must, in determining whether there are conditions of release that will reasonably assure the safety of any other person and the community, take into account the available information concerning:

(1) The nature and circumstances of the offense charged, including whether the offense is a crime of violence;

(2) The weight of the evidence against the defendant; and

(3) The history and characteristics of the defendant, including:

(a) The ~~((person's))~~ defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings;

(b) Whether, at the time of the current offense or arrest, the defendant was on community supervision, probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal, state, or local law; ~~((and))~~

(c) The nature and seriousness of the danger to any person or the community that would be posed by the defendant's release; and

(d) The defendant's firearms history, including purchase history, any concealed pistol license history, and the requirements of RCW 9.41.800 regarding issuance of an order to surrender and prohibit weapons.

## Part VI. Residential Protections

**Sec. 601.** RCW 40.24.030 and 2022 c 231 s 5 are each amended to read as follows:

(1)(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, ~~((as defined in RCW 11.88.010,))~~ (b) any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any ~~((family members))~~ person residing with ~~((him or her))~~ them, and (c) any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) and any criminal justice participant

as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any ~~((family members))~~ person residing with ~~((him or her))~~ them, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(i) A sworn statement, under penalty of perjury, by the applicant that the applicant has good reason to believe (A) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, trafficking, or stalking and that the applicant fears for ~~((his or her))~~ the applicant's safety or ~~((his or her))~~ the applicant's children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made ~~((+))~~ (B) that the applicant, as an election official as described in RCW 9A.90.120, is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv); or (C) that the applicant, as a criminal justice participant as defined in RCW 9A.46.020, is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the applicant, as a criminal justice participant as defined in RCW 9A.90.120 is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv);

(ii) If applicable, a sworn statement, under penalty of perjury, by the applicant, that the applicant has reason to believe they are a victim of (A) domestic violence, sexual assault, or stalking perpetrated by an employee of a law enforcement agency, or ~~((+))~~ (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv);

(iii) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(iv) The residential address and any telephone number where the applicant can be contacted by the secretary of state, which shall not be disclosed because disclosure will increase the risk of (A) domestic violence, sexual assault, trafficking, or stalking, or (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv);

(v) The signature of the applicant and of any individual or representative of any office designated in writing under RCW 40.24.080 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

(4)(a) During the application process, the secretary of state shall provide each applicant a form to direct the department of licensing to change the address of registration for vehicles or vessels solely or jointly registered to the applicant and the address associated with the applicant's driver's license or identicaid to the applicant's address as designated by the secretary of state upon certification in the program. The directive to the department of licensing is only valid if signed by the applicant. The directive may only include information required by the department of licensing to verify the applicant's identity and ownership information for vehicles and vessels. This information is limited to the:

- (i) Applicant's full legal name;
- (ii) Applicant's Washington driver's license or identicaid number;
- (iii) Applicant's date of birth;
- (iv) Vehicle identification number and license plate number for each vehicle solely or jointly registered to the applicant; and
- (v) Hull identification number or vessel document number and vessel decal number for each vessel solely or jointly registered to the applicant.

(b) Upon certification of the applicants, the secretary of state shall transmit completed and signed directives to the department of licensing.

(c) Within 30 days of receiving a completed and signed directive, the department of licensing shall update the applicant's address on registration and licensing records.

(d) Applicants are not required to sign the directive to the department of licensing to be certified as a program participant.

(5) A person who knowingly provides false or incorrect information upon making an application or falsely attests in an application that disclosure of the applicant's address would endanger (a) the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, (b) the safety of any election official as described in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2) (b) (iii) or (iv), or (c) the safety of any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2) (b) (iii) or (iv) or of any criminal justice participant as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2) (b) (iii) or (iv), or any family members residing with ~~(him or her)~~ them, shall be punished under RCW 40.16.030 or other applicable statutes.

**Sec. 602.** RCW 42.17A.710 and 2019 c 428 s 36 are each amended to read as follows:

(1) The statement of financial affairs required by RCW 42.17A.700 shall disclose the following information for the reporting individual and each member of the reporting individual's immediate family:

(a) Occupation, name of employer, and business address;

(b) Each bank account, savings account, and insurance policy in which a direct financial interest was held that exceeds twenty thousand dollars at any time during the reporting period; each other item of intangible personal property in which a direct financial interest was held that exceeds two thousand dollars during the reporting period; the name, address, and nature of the entity; and the nature and highest value of each direct financial interest during the reporting period;

(c) The name and address of each creditor to whom the value of two thousand dollars or more was owed; the original amount of each debt to each creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each debt; and the security given, if any, for each such debt. Debts arising from a "retail installment transaction" as defined in chapter 63.14 RCW (retail installment sales act) need not be reported;

(d) Every public or private office, directorship, and position held as trustee; except that an elected official or executive state officer need not report the elected official's or executive state officer's service on a governmental board, commission, association, or functional equivalent, when such service is part of the elected official's or executive state officer's official duties;

(e) All persons for whom any legislation, rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation. For the purposes of this subsection, "compensation" does not include payments made to the person reporting by the governmental entity for which the person serves as an elected official or state executive officer or professional staff member for the person's service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid;

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of two thousand dollars or more; the value of the compensation; and the consideration given or performed in exchange for the compensation;

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and: (i) With respect to a governmental unit in which the official seeks or holds any office or position, if the entity has received compensation in any form during the preceding twelve months from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; and (ii) the name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or

other business or commercial entity from which the entity has received compensation in any form in the amount of ten thousand dollars or more during the preceding twelve months and the consideration given or performed in exchange for the compensation. As used in (g)(ii) of this subsection, "compensation" does not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing the service. With respect to any bank or commercial lending institution in which is held any office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of the bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by the bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by the bank or commercial lending institution if the interest exceeds two thousand four hundred dollars;

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for that interest;

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for that interest, and the name and address of the person furnishing the consideration;

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which a direct financial interest was held. If a description of the property has been included in a report previously filed, the property may be listed, for purposes of this subsection (1)(j), by reference to the previously filed report;

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds twenty thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm, or enterprise a ten percent or greater ownership interest was held;

(1) A list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted under RCW 42.52.150(5);

(m) A list of each occasion, specifying date, donor, and amount, at which items specified in RCW 42.52.010(9) (d) and (f) were accepted; and

(n) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall prescribe by rule.

(2)(a) When judges, prosecutors, sheriffs, participants in the address confidentiality program under RCW 40.24.030, or their immediate family members are required to disclose real property that is the personal residence of the judge, prosecutor, ~~((or))~~ sheriff, or address confidentiality program participant, the requirements of subsection (1)(h) through (k) of this section may be satisfied for that property by substituting:

(i) The city or town;

(ii) The type of residence, such as a single-family or multifamily residence, and the nature of ownership; and

(iii) Such other identifying information the commission prescribes by rule for the mailing address where the property is located.

(b) Nothing in this subsection relieves the judge, prosecutor, or sheriff of any other applicable obligations to disclose potential conflicts or to recuse oneself.

(3)(a) Where an amount is required to be reported under subsection (1)(a) through (m) of this section, it may be reported within a range as provided in (b) of this subsection.

(b)

Code A	Less than thirty thousand dollars;
Code B	At least thirty thousand dollars, but less than sixty thousand dollars;
Code C	At least sixty thousand dollars, but less than one hundred thousand dollars;
Code D	At least one hundred thousand dollars, but less than two hundred thousand dollars;
Code E	At least two hundred thousand dollars, but less than five hundred thousand dollars;
Code F	At least five hundred thousand dollars, but less than seven hundred and fifty thousand dollars;
Code G	At least seven hundred fifty thousand dollars, but less than one million dollars; or
Code H	One million dollars or more.

(c) An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be



interpreted to prevent any person from filing more information or more detailed information than required.

(4) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member.

#### Part VII. Statewide Resources

NEW SECTION. **Sec. 701.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission must administer a grant program for establishing a statewide resource prosecutor for domestic violence cases.

(2) The grant recipient must be a statewide organization or association representing prosecuting attorneys. The grant recipient must hire a resource prosecutor for the following purposes:

(a) To provide technical assistance and research to prosecutors for prosecuting domestic violence cases;

(b) To provide training on implementation and enforcement of orders to surrender and prohibit weapons, extreme risk protection orders, first appearances, case resolution, duties regarding recovery of firearms at the scene of domestic violence incidents, service of orders to surrender weapons and extreme risk protection orders, and firearm rights restoration petitions for domestic violence perpetrators;

(c) To provide additional training and resources to prosecutors to support a trauma-informed, victim-centered approach to prosecuting domestic violence cases;

(d) To meet regularly with law enforcement agencies and prosecutors to explain legal issues and prosecutorial approaches to domestic violence cases and provide and receive feedback to improve case outcomes;

(e) To consult with the commission with respect to developing and implementing best practices for prosecuting domestic violence cases across the state; and

(f) To comply with other requirements established by the commission under this section.

(3) The commission may establish additional appropriate conditions for any grant awarded under this section. The commission may adopt necessary policies and procedures to implement and administer the grant program, including monitoring the use of grant funds and compliance with the grant requirements.

NEW SECTION. **Sec. 702.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a pilot program to implement domestic violence

high risk teams. A domestic violence high risk team must, at a minimum, include the following four elements:

(a) Early identification of the most dangerous cases through evidence-based lethality assessments;

(b) Increased access to supportive services for high-risk victims;

(c) Increased perpetrator monitoring and accountability; and

(d) A coordinated response to high-risk cases through a multidisciplinary team.

(2) A domestic violence program must be the lead or co-lead of the domestic violence high risk teams.

NEW SECTION. **Sec. 703.** A new section is added to chapter 28B.20 RCW to read as follows:

(1) The University of Washington must establish a center of excellence in domestic violence research, policy, and practice. The center is created to:

(a) Conduct scientifically rigorous intimate partner violence research that informs policy and practice in Washington and serves as a national model;

(b) Promote a collaborative, multidisciplinary approach to addressing intimate partner violence, informed by community members and practitioners;

(c) Collaborate with and be informed by survivors and community and governmental agencies that interact with and provide services to those affected by intimate partner violence;

(d) Disseminate research findings to assist in the development of evidence-based intimate partner violence policy and practice; and

(e) Assist in the support, success, and continued training of intimate partner violence research scholars.

(2) The center must:

(a) Establish an advisory council for the center with representation from relevant disciplines across the University of Washington, representatives from systems that interact with domestic violence victims and perpetrators, and intimate partner violence community groups in order to guide development of the center's overarching goals and strategic vision. The advisory council will also assist center leadership and core center faculty in identifying priority areas of research to best inform intimate partner violence policy and practice;

(b) Award research grants to facilitate timely generation of data and research results to inform the legislature and others on key policy or practice-related issues relevant to those affected by intimate partner violence;

(c) Generate an annual report beginning December 1, 2024, on the state of domestic violence in Washington, including available prevalence data;

(d) Conduct listening sessions with survivors of intimate partner violence statewide, including survivors in urban and rural areas, black survivors, indigenous survivors, survivors of color, and survivors who identify as part of the LGBTQ community;

(e) Provide presentations and research-informed training to system actors, including domestic violence victim advocates;

(f) Convene an annual statewide domestic violence summit. The first summit must occur by June 30, 2025;

(g) Develop a statewide strategic plan to reduce intimate partner violence and increase support for victims. The preliminary strategic plan is due December 1, 2025, and must be updated every five years thereafter; and

(h) Undertake a body of work related to domestic violence intervention treatment. This must include:

(i) Executing a robust, multiyear research study to test the efficacy of various therapeutic interventions for domestic violence perpetrators aimed at reducing intimate partner violence, including intimate terrorism as defined in RCW 10.99.020. Treatment interventions may vary, but must include internal family systems and an evidence-based intervention for the treatment of suicidality, such as the collaborative assessment and management of suicidality or dialectical behavioral therapy; and

(ii) Working with the department of health, domestic violence intervention treatment providers, insurance carriers, and other relevant entities in order to formulate a detailed plan that would facilitate medicaid and commercial insurance reimbursement for domestic violence intervention treatment in Washington. The plan must include licensing requirements and provider credentialing necessary for reimbursement, billing codes, needed changes to law or rule, and any other relevant information.

#### Part VIII. Law Enforcement

NEW SECTION. **Sec. 801.** A new section is added to chapter 43.101 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission must provide ongoing specialized, intensive, and integrative training for persons responsible for investigating domestic violence cases involving intimate partners. The training must be based on a victim-centered, trauma-informed approach to responding to domestic violence. Among other subjects, the training must include content on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques.

(2) The training must: Be based on research-based practices and standards; offer participants an opportunity to practice interview skills and receive feedback from instructors; minimize the trauma of all persons who are interviewed during investigations; provide methods of reducing the number of investigative interviews necessary whenever possible; assure, to the extent possible, that investigative interviews are thorough, objective, and complete; recognize needs of special populations; recognize the nature and consequences of domestic violence

victimization; require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; address record retention and retrieval; address documentation of investigative interviews; and educate investigators on the best practices for notifying victims of significant events in the investigative process.

(3) In developing the training, the commission must seek advice from the Washington association of sheriffs and police chiefs, organizations representing victims of domestic violence, and experts on domestic violence and the neurobiology of trauma. The commission must consult with the Washington association of prosecuting attorneys in an effort to design training containing consistent elements for all professionals engaged in interviewing and interacting with domestic violence victims in the criminal legal system.

(4) The commission must develop the training and begin offering it by January 1, 2025. Officers assigned to regularly investigate domestic violence must complete the training within one year of being assigned or by July 1, 2026, whichever is later.

**Sec. 802.** RCW 10.31.100 and 2021 c 215 s 118 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 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, ((26.107)) 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 (~~his or her~~) 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 (~~physical~~) 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. 803.** RCW 36.28A.410 and 2021 c 215 s 147 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs shall create and operate a statewide automated protected person notification system to automatically notify a registered person via the

registered person's choice of telephone or email when a respondent subject to a court order specified in (b) of this subsection has attempted to purchase or acquire a firearm and been denied based on a background check or completed and submitted firearm purchase or transfer application that indicates the respondent is ineligible to possess a firearm under state or federal law. The system must permit a person to register for notification, or a registered person to update the person's registration information, for the statewide automated protected person notification system by calling a toll-free telephone number or by accessing a public website.

(b) The notification requirements of this section apply to any court order issued under chapter 7.105 RCW or former chapter 7.92 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.26A.470, or 26.26B.020, any of the former RCW 7.90.090, 10.14.080, 26.10.115, 26.50.060, and 26.50.070, any foreign protection order filed with a Washington court pursuant to chapter 26.52 RCW, and any Canadian domestic violence protection order filed with a Washington court pursuant to chapter 26.55 RCW, where the order prohibits the respondent from possessing firearms or where by operation of law the respondent is ineligible to possess firearms during the term of the order. The notification requirements of this section apply even if the respondent has notified the Washington state patrol that ~~((he or she))~~ the respondent has appealed a background check denial under RCW 43.43.823.

(c) The statewide automated protected person notification system must interface with the Washington state patrol, the administrative office of the courts, and any court not contributing data to the administrative office of the courts in real time.

(2) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or combination of units of government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to the statewide automated protected person notification system in this section, so long as the release or failure to release was without gross negligence. The immunity provided under this subsection applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(3) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs pursuant to chapter 261, Laws of 2017, including information a person submits to register and participate in the statewide automated protected person notification system, are exempt from public inspection and copying under chapter 42.56 RCW.

NEW SECTION. Sec. 804. A new section is added to chapter 36.28A RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the Washington association of sheriffs and police chiefs must create and maintain an electronic portal for law enforcement to enter when any respondent identified in a no-contact order, restraining order, or protection order has met the requirements in RCW 9.41.345. The portal shall collect the respondent's name, date of birth, protective order number, and date the respondent is eligible to have the respondent's firearms returned.

**NEW SECTION. Sec. 805.** A new section is added to chapter 2.56 RCW to read as follows:

The administrative office of the courts shall work with the Washington association of sheriffs and police chiefs to develop and maintain an interface to the statewide automated victim information and notification system created under RCW 36.28A.040 and the statewide automated protected person notification system created under RCW 36.28A.410 to provide notifications per RCW 36.28A.040, 36.28A.410, and 7.105.105. The interface shall provide updated information not less than once per hour, 24 hours per day, seven days per week, without exception.

#### **Part IX. Miscellaneous**

**NEW SECTION. Sec. 901.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 902.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Davis moved the adoption of amendment (377) to the striking amendment (342):

On page 2, beginning on line 5 of the striking amendment, strike all of section 102

On page 6, beginning on line 13 of the striking amendment, strike all of sections 303 through 305

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

On page 44, beginning on line 3 of the striking amendment, strike all of section 703

Representatives Davis and Mosbrucker spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (377) to the striking amendment (342) was adopted.

Representatives Davis and Mosbrucker spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (342), 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 Davis and Mosbrucker spoke in favor of the passage of the bill.

Representatives Berg, Walsh, Graham, Christian and Chambers spoke against the passage of the bill.

#### **MOTION**

On motion of Representative Griffey, Representative Stokesbary was excused.

Representatives Lekanoff and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1715.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1715, and the bill passed the House by the following vote: Yeas, 69; Nays, 25; Absent, 0; Excused, 4

Voting Yea: Representatives Alvarado, Barnard, Bateman, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cheney, Chopp, Cortes, Couture, Davis, Doglio, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Harris, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Timmons, Walen, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Berg, Caldier, Chambers, Christian, Connors, Corry, Dent, Donaghy, Dye, Goehner, Graham, Hutchins, Jacobsen, Klicker, Kretz, Maycumber, McEntire, Orcutt, Schmick, Simmons, Tharinger, Walsh and Wilcox

Excused: Representatives Hansen, McClintock, Stokesbary and Volz

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1715, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1779, by Representatives Mosbrucker, Dye and Pollet**

**Reducing toxic air pollution that threatens human health.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1779 was substituted for House Bill No. 1779 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1779 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 Mosbrucker, Doglio, Waters and Couture spoke in favor of the passage of the bill.

Representative McEntire spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1779.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1779, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh  
Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1779, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1084, by Representatives Fey, Ramos, Ryu, Ramel, Leavitt, Timmons and Wylie**

#### Concerning freight mobility prioritization.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1084 was substituted for House Bill No. 1084 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1084 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 Fey, Barkis, Christian, Low and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1084.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1084, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter,

Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1084, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1151, by Representatives Stonier, Macri, Reed, Peterson, Berry, Ramel, Fitzgibbon, Cortes, Callan, Simmons, Reeves, Lekanoff, Bergquist, Fosse and Ormsby**

#### Mandating coverage for fertility services.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1151 was substituted for House Bill No. 1151 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1151 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 Stonier spoke in favor of the passage of the bill.

Representatives Schmick, Jacobsen, Connors and Christian spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1151.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1151, and the bill passed the House by the following vote: Yeas, 65; Nays, 30; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cheney, Chopp, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Christian, Connors, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McEntire, Orcutt, Robertson, Schmick, Schmidt, Steele, Stokesbary, Walsh, Wilcox and Ybarra

Excused: Representatives Hansen, McClintock and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1151, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1362, by Representatives Stearns, Reeves, Abbarno, Gregerson, Lekanoff and Tharinger**

**Improving government efficiency related to reports by state agencies by eliminating reports, changing the frequency of reports, and providing an alternative method for having information publicly available in place of reports.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1362 was substituted for House Bill No. 1362 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1362 was read the second time.

Representative Stearns moved the adoption of amendment (386):

On page 6, after line 31, insert the following:

"Sec. 5. RCW 48.43.0128 and 2021 c 280 s 3 are each amended to read as follows:

(1) A health carrier offering a nongrandfathered health plan or a plan deemed by the commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular, full-time undergraduate student at an accredited higher education institution may not:

(a) In its benefit design or implementation of its benefit design, discriminate against individuals because of their age, expected length of life, present or predicted disability, degree of medical dependency, quality of life, or other health conditions; and

(b) With respect to the health plan or plan deemed by the commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular, full-time undergraduate student at an accredited higher education institution, discriminate on the basis of race, color, national origin, disability, age, sex, gender identity, or sexual orientation.

(2) Nothing in this section may be construed to prevent a carrier from appropriately utilizing reasonable medical management techniques.

(3) For health plans issued or renewed on or after January 1, 2022:

(a) A health carrier may not deny or limit coverage for gender affirming treatment when that treatment is prescribed to an individual because of, related to, or consistent with a person's gender expression or identity, as defined in RCW 49.60.040, is medically necessary, and is prescribed in accordance with accepted standards of care.

(b) A health carrier may not apply categorical cosmetic or blanket exclusions to gender affirming treatment. When prescribed as medically necessary gender affirming treatment, a health carrier may not exclude as cosmetic services facial feminization surgeries and other facial gender affirming treatment, such as tracheal shaves, hair electrolysis, and other care such as mastectomies, breast reductions, breast implants, or any combination of gender affirming procedures, including revisions to prior treatment.

(c) A health carrier may not issue an adverse benefit determination denying or limiting access to gender affirming services, unless a health care provider with experience prescribing or delivering gender affirming treatment has reviewed and

confirmed the appropriateness of the adverse benefit determination.

(d) Health carriers must comply with all network access rules and requirements established by the commissioner.

(4) For the purposes of this section, "gender affirming treatment" means a service or product that a health care provider, as defined in RCW 70.02.010, prescribes to an individual to treat any condition related to the individual's gender identity and is prescribed in accordance with generally accepted standards of care. Gender affirming treatment must be covered in a manner compliant with the federal mental health parity and addiction equity act of 2008 and the federal affordable care act. Gender affirming treatment can be prescribed to two spirit, transgender, nonbinary, intersex, and other gender diverse individuals.

(5) Nothing in this section may be construed to mandate coverage of a service that is not medically necessary.

(6) By December 1, 2022, the commissioner, in consultation with the health care authority and the department of health, must issue a report on geographic access to gender affirming treatment across the state. The report must include the number of gender affirming providers offering care in each county, the carriers and medicaid managed care organizations those providers have active contracts with, and the types of services provided by each provider in each region. The commissioner must update the report (~~biannually~~) biennially and post the report on its website.

(7) The commissioner shall adopt any rules necessary to implement subsections (3), (4), and (5) of this section.

(8) Unless preempted by federal law, the commissioner shall adopt any rules necessary to implement subsections (1) and (2) of this section, consistent with federal rules and guidance in effect on January 1, 2017, implementing the patient protection and affordable care act."

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

Correct the title.

Representatives Stearns and Abbarno spoke in favor of the adoption of the amendment.

Amendment (386) 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 Stearns, Abbarno, Goehner, Corry and Christian spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1362.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1362, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1684, by Representatives Slatter and Lekanoff**

**Clarifying procedures for federally recognized tribes to report standard occupational classifications or job titles of workers under the employment security act.**

The bill was read the second time.

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

Representatives Slatter and Maycumber spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1684.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1684, and the bill passed the House by the following vote: Yeas, 69; Nays, 26; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Hackney, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Couture, Dent, Dye, Griffey, Harris, Hutchins, Jacobsen, Klicker, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Stokesbary and Waters

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1684, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1004, by Representatives Abbarno, Orcutt, Berry, Simmons, Graham, Schmidt, Christian, Lekanoff, Griffey, Dye, Klicker, Wylie, Cheney, Davis and Riccelli**

**Installing signs on or near bridges to provide information to deter jumping.**

The bill was read the second time.

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

Representatives Abbarno and Timmons spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1004.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1004, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1004, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

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

**INTRODUCTION & FIRST READING**

E2SSB 5536 by Senate Committee on Ways & Means (originally sponsored by Robinson, Lovick, Rolfes, Mullet, Dhingra, Billig, Hasegawa, Keiser, Kuderer, Liias, Lovelett, Nobles, Randall, Stanford, Wellman and Wilson, C.)

AN ACT Relating to justice system and behavioral health responses for persons experiencing circumstances that involve controlled substances, counterfeit substances, legend drugs, and drug paraphernalia; amending RCW 69.50.4011, 69.50.4013, 69.50.4014, 69.41.030, 69.50.509, 69.50.4121, 9.96.060, 36.70A.200, 71.24.589, 71.24.590, 10.31.110, and 84.36.043; amending 2021 c 311 s 29 (uncodified); adding a new section to chapter 43.43 RCW; adding new sections to chapter 69.50 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 26.12 RCW; adding new sections to chapter 71.24 RCW; adding new sections to chapter 43.216 RCW; creating new sections; repealing RCW 10.31.115; prescribing penalties; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.



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

## SECOND READING

**HOUSE BILL NO. 1789, by Representatives Reeves, Fitzgibbon, Chapman, Kloba, Ramel, Pollet and Fosse**

**Expanding revenue generation and economic opportunities from natural climate solutions and ecosystem services.**

The bill was read the second time.

With the consent of the House, amendment (186) was withdrawn.

Representative Reeves moved the adoption of the striking amendment (349):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Ecosystem service credit" means a predetermined and standardized unit that represents a measurable ecosystem service provided in the context of a payment for an ecosystem service project.

(2) "Ecosystem service marketplace" has the same meaning as "ecosystem services market" as defined in RCW 76.09.020.

(3) "Ecosystem service project broker" means an entity that facilitates the process of matching ecosystem service providers and purchasers of ecosystem service project credits. An ecosystem service project broker may sell or procure credits on their clients' behalf and provide financing and marketing expertise. Ecosystem service project brokers may also act as ecosystem service project developers.

(4) "Ecosystem service project developer" means an entity that sources and initiates ecosystem service projects on behalf of the ecosystem service provider including, but not limited to, by working with ecosystem service project standards and verification bodies, bearing financial risks of projects, and working with a network of distributors and retailers to deliver auditable ecosystem service project credits to a marketplace. An ecosystem service project developer may also act as an ecosystem service project broker.

(5) (a) "Ecosystem services" has the same meaning as defined in RCW 76.09.020.

(b) Examples of ecosystem services include, but are not limited to, carbon sequestration and storage projects that are consistent with the policies outlined in RCW 70A.45.090, air and water filtration, climate stabilization, and disturbance mitigation.

(6) "Payment for ecosystem service project" means a transaction within an ecosystem service marketplace that transfers financial incentives to ecosystem service providers that are conditional on the provision of the service. Project types include, but are not limited to, carbon offset projects.

NEW SECTION. **Sec. 2.** (1) The department is authorized to enter into contracts for payment for ecosystem service projects on public lands, consistent with this chapter and other relevant laws, on terms and conditions acceptable to the department, after approval by the board of natural resources, only for the purpose of generating additional revenue by providing ecosystem services. Any ecosystem service project on state lands or state forestlands:

(a) Must be limited, except as provided in section 3 of this act, to:

(i) Afforestation;

(ii) Reforestation;

(iii) Silvicultural treatments, such as commercial or precommercial thinning operations, that does not increase rotation lengths or reduce final harvest volumes;

(iv) Forest restoration investments that increase overall harvest volume;

(v) Avoided conversion of forest and agricultural lands to another land use;

(vi) Urban forest management;

(vii) Urban tree planting; and

(viii) The production and use of biochar for soil amendments;

(b) Must be consistent with the policies outlined in RCW 70A.45.090;

(c) Must support the workforce development goals and investments made under RCW 76.04.521;

(d) May not be inconsistent with ongoing forest health planning efforts and investments such as expenditures from the wildfire response, forest restoration, and community resilience account created in RCW 76.04.511;

(e) Must result in an increase in revenue to beneficiaries as compared to expected revenue that may exist in absence of the underlying ecosystem service project; and

(f) May not limit or impair the exercise of tribal treaty and reserved rights, existing tribal access to lands managed by the department, or preexisting agreements between tribes and the department.

(2) The contract term under this section may represent the sale or lease of ecosystem service credits and may not last for a period of longer than 125 years. Proceeds from contracts for ecosystem services must be deposited into the appropriate account in the state treasury.

(3) The authority of the department to enter into a contract that results in payments for ecosystem service projects under subsection (1) of this section is conditional on any specific project being consistent with the department's management of the underlying public land for agriculture or commercial timber harvest and ensure the department meets its fiduciary responsibility to the state's trust beneficiaries. Any ecosystem service project, or the sum of all ecosystem service projects, other than the projects authorized under section 3 of this act, may not prevent the department from managing state lands and state forestlands for sustained yield as required by RCW 79.10.310.

(4) The department may:

(a) Directly offer for sale ecosystem service credits, consistent with this section, with established compliance ecosystem service marketplaces or verifiable

and established voluntary ecosystem service marketplace;

(b) Enter into contracts with ecosystem service project developers or brokers, through public auction or by direct negotiation, to bring ecosystem service credits to market. Contracts for ecosystem services are subject to approval by, and the rules adopted by, the board.

(5) Notice of intent to contract by negotiation must be published on the department's website. The notice must be published within the 90 days preceding commencement of negotiations.

(6) The department is authorized to conduct any additional advertising that it determines to be in the best interest of the state.

(7) The department may enter into contracts or agreements with third-party ecosystem service project developers or brokers for purposes that include, but are not limited to, determining the feasibility of entering into a contract for a payment for an ecosystem service project, establishing a payment for an ecosystem service project with an ecosystem service marketplace, and marketing and selling credits on an established ecosystem service marketplace.

(8) The department must provide a report to the board upon execution of a contract for a payment for an ecosystem service project that includes the term of the contract and projected revenues.

(9) (a) Before entering into the sale of ecosystem service credits under this section, the board must find that the conditions of this section are satisfied and approve contract terms and a minimum payment for ecosystem services that is valid for a period of 180 days, or a longer period as may be established by resolution.

(b) Where the board has set a minimum payment for ecosystem service credits, the department may set the final payment for ecosystem service credits, which must be based on current market prices. The board may reestablish the minimum payment at any time.

**NEW SECTION. Sec. 3.** (1) Except as otherwise provided in this section, the department is authorized to enter into contracts for payment for ecosystem service projects on no more than 10,000 operable acres of state lands or state forestlands, inclusive of any credits required for buffer pools or other contingencies. Projects under this section are not limited to the project types identified in section 2(1)(a) of this act; however, these projects, as a condition of contract, must have a determinate harvest schedule if projects are on forested state lands or state forestlands. The authority provided in this section is conditional on the department replacing any timber volume and timber value on lands subject to the underlying ecosystem service project, during the term of the project, that may be constrained by the terms of the project.

(2) (a) To replace foregone timber volume and value under this section, the department must, prior to the finalization of a contract under this section:

(i) Create a full inventory of the land included in the project and any standing timber on the proposed underlying land;

(ii) Complete an estimation of timber volume that is eligible for harvest under the existing management plan for the underlying land;

(iii) Complete a valuation of any timber resources on the underlying land that would be available for harvest in absence of any ecosystem services contracts, including a timeline for an anticipated harvest schedule;

(iv) Prepare a plan for the replacement of any timber volume and timber value on lands subject to the underlying ecosystem service project and have the plan approved by the board. The plan must include a timeline that includes benchmarks for volume and value replacement that is aligned with how the land would be managed in absence of the ecosystem service project.

(b) (i) If the department fails to meet any replacement timeline benchmarks established in the plan, it must report this failure to the board, the office of financial management, and the legislature. The report of failure must be accompanied with a new timeline to correct the failure prior to the next timeline benchmark in the underlying plan.

(ii) If the department fails to remedy the failure by the next timeline benchmark, then the department will be provided adequate funding to the natural resources real property replacement account created in RCW 79.17.210, from the natural climate solutions account created in RCW 70A.65.270, to replace the foregone volume and value for the affected lands, as established in (a) of this subsection.

(3) Any replacement trust lands purchased under this section must be placed back into the same trust status classification as the lands included in the ecosystem service projects authorized under this section.

(4) If purchasing lands under this section, the department must prioritize the purchase of lands at risk of conversion to another use with the intent of managing those lands for productivity in terms of volume and value.

(5) The authority granted in this section expires on December 31, 2033; however, contracts entered into under this section may have an execution date that extends past the expiration date for the underlying authority.

(6) (a) Within five years of the initiation of a contract under this section, the department must report to the legislature, consistent with RCW 43.01.036, the outcomes of any ecosystem service projects entered into under this section. This includes, but is not limited to:

(i) Impacts to direct, indirect, and induced jobs, impacts to local economies, impacts to log supply, and any impacts to local tax revenue;

(ii) Impacts to revenues to beneficiaries;

(iii) Barriers to market participation;

(iv) Assessment of carbon sequestration on the lands enrolled in the ecosystem service project, including foregone

opportunities for new forest rotations and storage in forest products.

(b) The department must issue reports under this subsection every five years through the life of the underlying ecosystem service project.

**NEW SECTION. Sec. 4.** (1) By December 1, 2024, the department must submit a report to the office of financial management and the legislature, consistent with RCW 43.01.036, that includes information on payment for ecosystem service projects entered into or committed to by the department, including type of projects, number of acres involved, and projected revenues. The report must also include any challenges or barriers encountered by the department in the process of attempting to implement carbon offset or payment for ecosystem service projects and recommendations to address those challenges and barriers, including the operability of the carbon offset rules adopted under RCW 70A.65.170.

(2) This section expires June 30, 2025.

**Sec. 5.** RCW 79.02.010 and 2018 c 258 s 1 are each amended to read as follows:

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

(1) "Aquatic lands" means all state-owned tidelands, shorelands, harbor areas, and the beds of navigable waters as defined in RCW 79.105.060 that are administered by the department.

(2) "Board" means the board of natural resources.

(3) "Commissioner" means the commissioner of public lands.

(4) "Community and technical college forest reserve lands" means lands managed under RCW 79.02.420.

(5) "Community forest trust lands" means those lands acquired and managed under the provisions of chapter 79.155 RCW.

(6) "Department" means the department of natural resources.

(7)(a) "Forest biomass" means the by-products of: current forest management activities; current forest protection treatments prescribed or permitted under chapter 76.04 RCW; or the by-products of forest health treatment prescribed or permitted under chapter 76.06 RCW.

(b) "Forest biomass" does not include wood pieces that have been treated with chemical preservatives such as: Creosote, pentachlorophenol, or copper-chrome-arsenic; wood from existing old growth forests; wood required to be left on-site under chapter 76.09 RCW, the state forest practices act; and implementing rules, and other legal and contractual requirements; or municipal solid waste.

(8) "Good neighbor agreement" means an agreement entered into between the state and the United States forest service or United States bureau of land management to conduct forestland, watershed, and rangeland restoration activities on federal lands, as originally authorized by the 2014 farm bill (P.L. 113-79).

(9) "Improvements" means anything considered a fixture in law placed upon or attached to lands administered by the department that has changed the value of the lands or any changes in the previous condition of the fixtures that changes the value of the lands.

(10) "Land bank lands" means lands acquired under RCW 79.19.020.

(11) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of a federal, state, or local governmental unit, however designated.

(12) "Public lands" means lands of the state of Washington administered by the department including but not limited to state lands, state forestlands, lands included in a state forestland pool, and aquatic lands.

(13) "State forestland pool" or "land pool" means state forestlands acquired and managed under RCW 79.22.140.

(14) "State forestlands" means lands acquired under RCW 79.22.010, 79.22.040, and 79.22.020.

(15) "State lands" includes:

(a) School lands, that is, lands held in trust for the support of the common schools;

(b) University lands, that is, lands held in trust for university purposes;

(c) Agricultural college lands, that is, lands held in trust for the use and support of agricultural colleges;

(d) Scientific school lands, that is, lands held in trust for the establishment and maintenance of a scientific school;

(e) Normal school lands, that is, lands held in trust for state normal schools;

(f) Capitol building lands, that is, lands held in trust for the purpose of erecting public buildings at the state capital for legislative, executive, and judicial purposes;

(g) Institutional lands, that is, lands held in trust for state charitable, educational, penal, and reformatory institutions; and

(h) Land bank, escheat, donations, and all other lands, except aquatic lands, administered by the department that are not devoted to or reserved for a particular use by law.

(16) "Valuable materials" means any product or material on the lands, such as forest products, forage or agricultural crops, stone, gravel, sand, peat, and all other materials of value except: (a) Mineral, coal, petroleum, and gas as provided for under chapter 79.14 RCW; ~~((and))~~ (b) forest biomass as provided for under chapter 79.150 RCW; and (c) ecosystem services as provided for under chapter 79.--- RCW (the new chapter created in section 11 of this act).

(17) "Ecosystem services" has the same meaning as defined in RCW 76.09.020.

**Sec. 6.** RCW 79.64.110 and 2021 c 334 s 995 and 2021 c 145 s 3 are each reenacted and amended to read as follows:

(1) Any moneys derived from the lease of state forestlands or from the sale of valuable materials, oils, gases, coal,

minerals, ~~((or))~~ fossils, or contracts for payments for ecosystem service projects under chapter 79.--- RCW (the new chapter created in section 11 of this act) from those lands, except as provided in RCW 79.64.130, or the appraised value of these resources when transferred to a public agency under RCW 79.22.060, except as provided in RCW 79.22.060(4), must be distributed as follows:

(a) For state forestlands acquired through RCW 79.22.040 or by exchange for lands acquired through RCW 79.22.040:

(i) The expense incurred by the state for administration, reforestation, and protection, not to exceed ~~((twenty-five))~~ 25 percent, which rate of percentage shall be determined by the board, must be returned to the forest development account created in RCW 79.64.100. During the 2017-2019, 2019-2021, and 2021-2023 fiscal biennia, the board may increase the ~~((twenty-five))~~ 25 percent limitation up to ~~((twenty-seven))~~ 27 percent.

(ii) Any balance remaining must be paid to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to each participating county proportionate to its contribution of asset value to the land pool as determined by the board. Payments made under this subsection are to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment. However, in order to test county flexibility in distributing state forestland revenue, a county may in its discretion pay, distribute, and prorate payments made under this subsection of moneys derived from state forestlands acquired by exchange between July 28, 2019, and June 30, 2020, for lands acquired through RCW 79.22.040, within the same county, in the same manner as general taxes are paid and distributed during the year of payment for the former state forestlands that were subject to the exchange.

(iii) Any balance remaining, paid to a county with a population of less than ~~((sixteen thousand))~~ 16,000, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(iv) With regard to moneys remaining under this subsection (1)(a), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ~~((ten))~~ 10 days between each payment date.

(b) For state forestlands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(i) Fifty percent shall be placed in the forest development account.

(ii) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, to the county in which the land is located or, for counties participating in a land pool created under RCW 79.22.140, to

each participating county proportionate to its contribution of asset value to the land pool as determined by the board, and according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 (1) and (2) and the levy rate for any school district enrichment levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ~~((ten))~~ 10 days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

(2) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

**Sec. 7.** RCW 79.22.050 and 2003 c 334 s 220 and 2003 c 313 s 7 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 79.22.060, all land, acquired or designated by the department as state forestland, shall be forever reserved from sale, but the valuable materials thereon may be sold or the land may be leased in the same manner and for the same purposes as is authorized for state lands if the department finds such sale or lease to be in the best interests of the state and approves the terms and conditions thereof.

(2) Ecosystem services may be sold only if consistent with the conditions in chapter 79.--- RCW (the new chapter created in section 11 of this act) and may not be sold if chapter 79.--- RCW (the new chapter created in section 11 of this act) does not appear in codified statute.

(3) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

**Sec. 8.** RCW 79.105.150 and 2022 c 157 s 19 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands ~~((and))~~ from the sale of valuable material from state-owned aquatic lands, and from the sale of ecosystem services under chapter 79.--- RCW (the new chapter created in section 11 of this act), shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public

purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. The aquatic lands enhancement account may be used to support the shellfish program, the ballast water program, hatcheries, the Puget Sound toxic sampling program and steelhead mortality research at the department of fish and wildlife, the knotweed program at the department of agriculture, actions at the University of Washington for reducing ocean acidification, which may include the creation of a center on ocean acidification, the Puget SoundCorps program, and support of the marine resource advisory council and the Washington coastal marine advisory council. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may transfer from the aquatic lands enhancement account to the geoduck aquaculture research account for research related to shellfish aquaculture. During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the aquatic lands enhancement account to the marine resources stewardship trust account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of urban forestry management plans and ordinances under RCW 76.15.090, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community designation program created in RCW 76.15.090 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) Any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**Sec. 9.** RCW 79.15.010 and 2003 c 334 s 331 are each amended to read as follows:

(1) Valuable materials situated upon state lands and state forestlands may be sold separate from the land, when in the judgment of the department, it is for the

best interest of the state so to sell the same. The sale of any ecosystem services is limited to consistency with the conditions in chapter 79.--- RCW (the new chapter created in section 11 of this act) and may not be sold if chapter 79.--- RCW (the new chapter created in section 11 of this act) does not appear in codified statute.

(2) Sales of valuable materials from any university lands require:

(a) The consent of the board of regents of the University of Washington; or

(b) Legislative directive.

(3) When application is made for the purchase of any valuable materials, the department shall appraise the value of the valuable materials if the department determines it is in the best interest of the state to sell. No valuable materials shall be sold for less than the appraised value thereof.

**Sec. 10.** RCW 70A.65.270 and 2021 c 316 s 30 are each amended to read as follows:

(1) The natural climate solutions account is created in the state treasury. All moneys directed to the account from the climate investment account created in RCW 70A.65.250 must be deposited in the account. Moneys in the account may be spent only after appropriation. Moneys in the account are intended to increase the resilience of the state's waters, forests, and other vital ecosystems to the impacts of climate change, conserve working forestlands at risk of conversion, and increase their carbon pollution reduction capacity through sequestration, storage, and overall system integrity. Moneys in the account must be spent in a manner that is consistent with existing and future assessments of climate risks and resilience from the scientific community and expressed concerns of and impacts to overburdened communities.

(2) Moneys in the account may be allocated for the following purposes:

(a) Clean water investments that improve resilience from climate impacts. Funding under this subsection (2)(a) must be used to:

(i) Restore and protect estuaries, fisheries, and marine shoreline habitats and prepare for sea level rise including, but not limited to, making fish passage correction investments such as those identified in the cost-share barrier removal program for small forestland owners created in RCW 76.13.150 and those that are considered by the fish passage barrier removal board created in RCW 77.95.160;

(ii) Increase carbon storage in the ocean or aquatic and coastal ecosystems;

(iii) Increase the ability to remediate and adapt to the impacts of ocean acidification;

(iv) Reduce flood risk and restore natural floodplain ecological function;

(v) Increase the sustainable supply of water and improve aquatic habitat, including groundwater mapping and modeling;

(vi) Improve infrastructure treating stormwater from previously developed areas within an urban growth boundary designated under chapter 36.70A RCW, with a preference

given to projects that use green stormwater infrastructure;

(vii) Either preserve or increase, or both, carbon sequestration and storage benefits in forests, forested wetlands, agricultural soils, tidally influenced agricultural or grazing lands, or freshwater, saltwater, or brackish aquatic lands; or

(viii) Either preserve or establish, or both, carbon sequestration by protecting or planting trees in marine shorelines and freshwater riparian areas sufficient to promote climate resilience, protect cold water fisheries, and achieve water quality standards;

(b) Healthy forest investments to improve resilience from climate impacts. Funding under this subsection (2)(b) must be used for projects and activities that will:

(i) Increase forest and community resilience to wildfire in the face of increased seasonal temperatures and drought;

(ii) Improve forest health and reduce vulnerability to changes in hydrology, insect infestation, and other impacts of climate change; or

(iii) Prevent emissions by preserving natural and working lands from the threat of conversion to development or loss of critical habitat, through actions that include, but are not limited to, the creation of new conservation lands, community forests, or increased support to small forestland owners through assistance programs including, but not limited to, the forest riparian easement program and the family forest fish passage program. It is the intent of the legislature that not less than \$10,000,000 be expended each biennium for the forestry riparian easement program created in chapter 76.13 RCW or for riparian easement projects funded under the agricultural conservation easements program established under RCW 89.08.530, or similar riparian enhancement programs;

(c) Legislative transfers, if necessary, to the natural resources real property replacement account created in RCW 79.17.210 for reimbursement to state land trust beneficiaries for foregone timber volume and value under section 3 of this act.

(3) Moneys in the account may not be used for projects that would violate tribal treaty rights or result in significant long-term damage to critical habitat or ecological functions. Investments from this account must result in long-term environmental benefits and increased resilience to the impacts of climate change.

**NEW SECTION. Sec. 11.** Sections 1 through 4 of this act constitute a new chapter in Title 79 RCW."

Correct the title.

Representative Chapman moved the adoption of amendment (398) to the striking amendment (349):

On page 2, beginning on line 12 of the striking amendment, after "on" strike all material through "amendments" on line 26 and insert "public lands:

(a) must be limited to afforestation, reforestation, and aquatic projects"

On page 3, beginning on line 15 of the striking amendment, after "ecosystem service projects," strike "other than the projects authorized under section 3 of this act,"

On page 4, beginning on line 16 of the striking amendment, strike all of section 3

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

On page 12, beginning on line 27 of the striking amendment, strike all of section 10

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

Correct the title.

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

Amendment (398) to the striking amendment (349) was adopted.

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

The striking amendment (349), 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 Reeves, Dent, Wilcox, Kretz and Chapman spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1789.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1789, and the bill passed the House by the following vote: Yeas, 82; Nays, 13; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Hackney, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Chambers, Couture, Goehner, Griffey, Jacobsen, McEntire, Orcutt, Robertson, Schmick, Steele, Stokesbary and Walsh

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1789, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1168, by Representatives Simmons, Ramel, Callan, Wylie, Davis and Ormsby****Providing prevention services, diagnoses, treatment, and support for prenatal substance exposure.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1168 was substituted for House Bill No. 1168 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1168 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 Simmons and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1168.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1168, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

SECOND SUBSTITUTE HOUSE BILL NO. 1168, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1833, by Representatives Paul, Hutchins and Ramel****Setting ferry fuel surcharges.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1833 was substituted for House Bill No. 1833 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1833 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 Paul and Hutchins spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1833.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1833, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1833, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

**HOUSE BILL NO. 1455, by Representatives Stonier, Berry, Farivar, Rude, Fey, Reed, Morgan, Thai, Fosse, Pollet, Macri and Bateman****Eliminating child marriage.**

The bill was read the second time.

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

Representatives Stonier, Walsh and Maycumber spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1455.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1455, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1455, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1764, by Representatives Wylie and Orcutt****Establishing a method of valuing asphalt and aggregate used in public road construction for purposes of taxation.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1764 was substituted for House Bill No. 1764 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1764 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 Wylie and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1764.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1764, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1764, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1023, by Representatives Walen, Goodman, Reeves, Thai and Ormsby**

**Eliminating wire tap authorization reporting to the administrative office of the courts.**

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 Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1023.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1023, and the bill passed the House by the following vote: Yeas, 90; Nays, 5; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris,

Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chambers, Christian, Jacobsen, McEntire and Walsh

Excused: Representatives Hansen, McClintock and Volz

HOUSE BILL NO. 1023, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1682, by Representatives Maycumber, Chapman, Barnard, Reeves, Riccelli, Bateman, Springer, Volz, Chambers, Mosbrucker, Robertson, Leavitt, Jacobsen, Christian and Rule**

**Concerning the Washington auto theft prevention authority account.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1682 was substituted for House Bill No. 1682 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1682 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 Maycumber, Stonier, Chambers and Christian spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1682.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1682, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Ormsby

Excused: Representatives Hansen, McClintock and Volz

SUBSTITUTE HOUSE BILL NO. 1682, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

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

### MESSAGE FROM THE SENATE



Tuesday, March 7, 2023

Mme. Speaker:

The Senate has passed:

- ENGROSSED SENATE BILL NO. 5022
- SUBSTITUTE SENATE BILL NO. 5094
- SENATE BILL NO. 5104
- SENATE BILL NO. 5153
- SUBSTITUTE SENATE BILL NO. 5171
- SENATE BILL NO. 5180
- SENATE BILL NO. 5228
- SECOND SUBSTITUTE SENATE BILL NO. 5263
- SENATE BILL NO. 5283
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5315
- SECOND SUBSTITUTE SENATE BILL NO. 5425
- SECOND SUBSTITUTE SENATE BILL NO. 5438
- SUBSTITUTE SENATE BILL NO. 5561
- SUBSTITUTE SENATE BILL NO. 5589
- SENATE BILL NO. 5629
- SUBSTITUTE SENATE BILL NO. 5649
- ENGROSSED SENATE BILL NO. 5650
- SENATE BILL NO. 5683
- SUBSTITUTE SENATE BILL NO. 5714

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

**SECOND READING**

**HOUSE BILL NO. 1143, by Representatives Berry, Walen, Reed, Peterson, Street, Bateman, Ramel, Senn, Callan, Doglio, Macri, Lekanoff, Duerr, Pollet, Davis, Kloba, Fosse and Ormsby**

**Concerning requirements for the purchase or transfer of firearms.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1143 was substituted for House Bill No. 1143 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1143 was read the second time.

Representative Berry moved the adoption of the striking amendment (338):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.090 and 2019 c 3 s 3 are each amended to read as follows:

(1) In addition to the other requirements of this chapter, no dealer may deliver a ((pistol))firearm to the purchaser thereof until:

(a) The purchaser ((produces a valid concealed pistol license and the dealer has recorded the purchaser's name, license number, and issuing agency, such record to be made in triplicate and processed as provided in subsection (6) of this section. For purposes of this subsection (1)(a), a "valid concealed pistol license" does not include a temporary emergency license, and

~~does not include any license issued before July 1, 1996, unless the issuing agency conducted a records search for disqualifying crimes under RCW 9.41.070 at the time of issuance))~~provides proof of completion of a recognized firearm safety training program within the last five years that complies with the requirements in section 2 of this act, or proof that the purchaser is exempt from the training requirement;

(b) The dealer is notified ((in writing by (i) the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a pistol under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or (ii) the state))by the Washington state patrol firearms background check program that the purchaser is eligible to possess a firearm under ((RCW 9.41.040, as provided in subsection (3)(b) of this section; or)) state and federal law; and

(c) The requirements ((or))and time periods in RCW 9.41.092 have been satisfied.

(2) ((In addition to the other requirements of this chapter, no dealer may deliver a semiautomatic assault rifle to the purchaser thereof until:

(a) The purchaser provides proof that he or she has completed a recognized firearm safety training program within the last five years that, at a minimum, includes instruction on:

- (i) Basic firearms safety rules;
- (ii) Firearms and children, including secure gun storage and talking to children about gun safety;
- (iii) Firearms and suicide prevention;
- (iv) Secure gun storage to prevent unauthorized access and use;
- (v) Safe handling of firearms; and
- (vi) State and federal firearms laws, including prohibited firearms transfers.

The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The proof of training shall be in the form of a certification that states under the penalty of perjury the training included the minimum requirements; and

(b) The dealer is notified in writing by (i) the chief of police or the sheriff of the jurisdiction in which the purchaser resides that the purchaser is eligible to possess a firearm under RCW 9.41.040 and that the application to purchase is approved by the chief of police or sheriff; or (ii) the state that the purchaser is eligible to possess a firearm under RCW 9.41.040, as provided in subsection (3)(b) of this section; or

(c) The requirements or time periods in RCW 9.41.092 have been satisfied.

(3)(a) Except as provided in (b) of this subsection, in)In determining whether the purchaser ((meets the requirements of RCW 9.41.040))is eligible to possess a firearm, the ((chief of police or sheriff, or the designee of either,))Washington state patrol

~~firearms background check program shall check with the ((national crime information center, including the)) national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), the Washington state patrol electronic database, the health care authority electronic database, the administrative office of the courts, LInX-NW, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 to possess a firearm.~~

~~((b) The state, through the legislature or initiative process, may enact a statewide firearms background check system equivalent to, or more comprehensive than, the check required by (a) of this subsection to determine that a purchaser is eligible to possess a firearm under RCW 9.41.040. Once a state system is established, a dealer shall use the state system and national instant criminal background check system, provided for by the Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.), to make criminal background checks of applicants to purchase firearms.~~

~~(4) In any case under this section where the applicant has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor, the dealer shall hold the delivery of the pistol or semiautomatic assault rifle until the warrant for arrest is served and satisfied by appropriate court appearance. The local jurisdiction for purposes of the sale, or the state pursuant to subsection (3)(b) of this section, shall confirm the existence of outstanding warrants within seventy-two hours after notification of the application to purchase a pistol or semiautomatic assault rifle is received. The local jurisdiction shall also immediately confirm the satisfaction of the warrant on request of the dealer so that the hold may be released if the warrant was for an offense other than an offense making a person ineligible under RCW 9.41.040 to possess a firearm.~~

~~(5) In any case where the chief or sheriff of the local jurisdiction, or the state pursuant to subsection (3)(b) of this section, has reasonable grounds based on the following circumstances: (a) Open criminal charges, (b) pending criminal proceedings, (c) pending commitment proceedings, (d) an outstanding warrant for an offense making a person ineligible under RCW 9.41.040 to possess a firearm, or (e) an arrest for an offense making a person ineligible under RCW 9.41.040 to possess a firearm, if the records of disposition have not yet been reported or entered sufficiently to determine eligibility to purchase a firearm, the local jurisdiction or the state may hold the sale and delivery of the pistol or semiautomatic assault rifle up to thirty days in order to confirm existing records in this state or elsewhere. After thirty days, the hold will be lifted unless an extension of the thirty days is approved by a local district court, superior court, or municipal court for good cause shown. A dealer shall be notified of each hold placed on the sale by local law enforcement or the state and of any application to the court for additional~~

~~hold period to confirm records or confirm the identity of the applicant.~~

~~(6)) (3)(a) At the time of applying for the purchase of a ((pistol or semiautomatic assault rifle)) firearm, the purchaser shall sign ((in triplicate)) and deliver to the dealer an application containing:~~

~~(i) His or her full name, residential address, date and place of birth, race, and gender;~~

~~(ii) The date and hour of the application;~~

~~(iii) The applicant's driver's license number or state identification card number;~~

~~(iv) A description of the ((pistol or semiautomatic assault rifle)) firearm including the make, model, caliber and manufacturer's number if available at the time of applying for the purchase of ((a pistol or semiautomatic assault rifle)) the firearm. If the manufacturer's number is not available at the time of applying for the purchase of a ((pistol or semiautomatic assault rifle)) firearm, the application may be processed, but delivery of the ((pistol or semiautomatic assault rifle)) firearm to the purchaser may not occur unless the manufacturer's number is recorded on the application by the dealer and transmitted to the ((chief of police of the municipality or the sheriff of the county in which the purchaser resides, or the state pursuant to subsection (3)(b) of this section)) Washington state patrol firearms background check program; and~~

~~(v) A statement that the purchaser is eligible to purchase and possess a firearm under state and federal law((? and~~

~~(vi) If purchasing a semiautomatic assault rifle, a statement by the applicant under penalty of perjury that the applicant has completed a recognized firearm safety training program within the last five years, as required by subsection (2) of this section)).~~

~~(b) The ((application)) dealer shall ((contain)) provide the applicant with information that contains two warnings substantially stated as follows:~~

~~(i) CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. State permission to purchase a firearm is not a defense to a federal prosecution; and~~

~~(ii) CAUTION: The presence of a firearm in the home has been associated with an increased risk of death to self and others, including an increased risk of suicide, death during domestic violence incidents, and unintentional deaths to children and others.~~

~~The purchaser shall be given a copy of the department of fish and wildlife pamphlet on the legal limits of the use of firearms and firearms safety.~~

~~(c) The dealer shall, by the end of the business day, ((sign and attach his or her address and deliver a copy of the application and such other documentation as required under subsections (1) and (2) of this section to the chief of police of the~~

~~municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to subsection (3)(b) of this section)) transmit the information from the application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The ((triplcate)) original application shall be retained by the dealer for six years.~~

~~(d) The dealer shall deliver the ((pistol or semiautomatic assault rifle)) firearm to the purchaser ((following)) once the requirements and period of time specified in this chapter ((unless the dealer is notified of an investigative hold under subsection (5) of this section in writing by the chief of police of the municipality, the sheriff of the county, or the state, whichever is applicable, or of the denial of the purchaser's application to purchase and the grounds thereof)) are satisfied. The application shall not be denied unless the purchaser is not eligible to purchase or possess the firearm under state or federal law or has not complied with the requirements of this section.~~

~~((d)) (e) The ((chief of police of the municipality or the sheriff of the county, or the state pursuant to subsection (3)(b) of this section,)) Washington state patrol firearms background check program shall retain or destroy applications to purchase a ((pistol or semiautomatic assault rifle)) firearm in accordance with the requirements of 18 U.S.C. Sec. 922.~~

~~((7) (a) To help offset the administrative costs of implementing this section as it relates to new requirements for semiautomatic assault rifles, the department of licensing may require the dealer to charge each semiautomatic assault rifle purchaser or transferee a fee not to exceed twenty-five dollars, except that the fee may be adjusted at the beginning of each biennium to levels not to exceed the percentage increase in the consumer price index for all urban consumers, CPI-W, or a successor index, for the previous biennium as calculated by the United States department of labor.~~

~~(b) The fee under (a) of this subsection shall be no more than is necessary to fund the following:~~

~~(i) The state for the cost of meeting its obligations under this section;~~

~~(ii) The health care authority, mental health institutions, and other health care facilities for state-mandated costs resulting from the reporting requirements imposed by RCW 9.41.097(1); and~~

~~(iii) Local law enforcement agencies for state-mandated local costs resulting from the requirements set forth under RCW 9.41.090 and this section.~~

~~((8)) (4) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a firearm is guilty of false swearing under RCW 9A.72.040.~~

~~((9)) (5) This section does not apply to sales to licensed dealers for resale or to the sale of antique firearms.~~

NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW to read as follows:

(1) A person applying for the purchase or transfer of a firearm must provide proof of completion of a recognized firearms safety training program within the last five years that, at a minimum, includes instruction on:

(a) Basic firearms safety rules;

(b) Firearms and children, including secure gun storage and talking to children about gun safety;

(c) Firearms and suicide prevention;

(d) Secure gun storage to prevent unauthorized access and use;

(e) Safe handling of firearms;

(f) State and federal firearms laws, including prohibited firearms transfers and locations where firearms are prohibited;

(g) State laws pertaining to the use of deadly force for self-defense; and

(h) Techniques for avoiding a criminal attack and how to manage a violent confrontation, including conflict resolution.

(2) The training must be sponsored by a federal, state, county, or municipal law enforcement agency, a college or university, a nationally recognized organization that customarily offers firearms training, or a firearms training school with instructors certified by a nationally recognized organization that customarily offers firearms training. The proof of training shall be in the form of a certification that states under the penalty of perjury that the training included the minimum requirements.

(3) The training may include stories provided by individuals with lived experience in the topics listed in subsection (1)(a) through (g) of this section or an understanding of the legal and social impacts of discharging a firearm.

(4) The firearms safety training requirement of this section does not apply to:

(a) A person who is a:

(i) General authority Washington peace officer as defined in RCW 10.93.020;

(ii) Limited authority Washington peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm;

(iii) Specially commissioned Washington peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm; or

(iv) Federal peace officer as defined in RCW 10.93.020 who as a normal part of their duties has arrest powers and carries a firearm; or

(b) A person who is an active duty member of the armed forces of the United States, an active member of the national guard, or an active member of the armed forces reserves who, as part of the applicant's service, has completed, within the last five years, a course of training in firearms proficiency or familiarization that included training on the safe handling and shooting proficiency with firearms.

Sec. 3. RCW 9.41.047 and 2020 c 302 s 60 are each amended to read as follows:

(1)(a) At the time a person is convicted or found not guilty by reason of insanity of an offense making the person ineligible to possess a firearm, or at the time a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW for mental health treatment, or at the time that charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the convicting or committing court, or court that dismisses charges, shall notify the person, orally and in writing, that the person must immediately surrender any concealed pistol license and that the person may not possess a firearm unless his or her right to do so is restored by a court of record. For purposes of this section a convicting court includes a court in which a person has been found not guilty by reason of insanity.

(b) The court shall forward within three judicial days after conviction, entry of the commitment order, or dismissal of charges, a copy of the person's driver's license or identicard, or comparable information such as their name, address, and date of birth, along with the date of conviction or commitment, or date charges are dismissed, to the department of licensing and to the Washington state patrol firearms background check program. When a person is committed by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or chapter 10.77 RCW, for mental health treatment, or when a person's charges are dismissed based on incompetency to stand trial under RCW 10.77.088 and the court makes a finding that the person has a history of one or more violent acts, the court also shall forward, within three judicial days after entry of the commitment order, or dismissal of charges, a copy of the person's driver's license, or comparable information, along with the date of commitment or date charges are dismissed, to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159). The petitioning party shall provide the court with the information required. If more than one commitment order is entered under one cause number, only one notification to the department of licensing, the Washington state patrol firearms background check program, and the national instant criminal background check system is required.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the convicted or committed person, or the person whose charges are dismissed based on incompetency to stand trial, has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority which, upon receipt of such notification, shall immediately revoke the license.

(3)(a) A person who is prohibited from possessing a firearm, by reason of having been involuntarily committed for mental

health treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or by reason of having been detained under RCW 71.05.150 or 71.05.153, or because the person's charges were dismissed based on incompetency to stand trial under RCW 10.77.088 and the court made a finding that the person has a history of one or more violent acts, may, upon discharge, petition the superior court to have his or her right to possess a firearm restored.

(b) The petition must be brought in the superior court that ordered the involuntary commitment or dismissed the charges based on incompetency to stand trial or the superior court of the county in which the petitioner resides.

(c) Except as provided in (d) and (e) of this subsection, the court shall restore the petitioner's right to possess a firearm if the petitioner proves by a preponderance of the evidence that:

(i) The petitioner is no longer required to participate in court-ordered inpatient or outpatient treatment;

(ii) The petitioner has successfully managed the condition related to the commitment or detention or incompetency;

(iii) The petitioner no longer presents a substantial danger to himself or herself, or the public; and

(iv) The symptoms related to the commitment or detention or incompetency are not reasonably likely to recur.

(d) If a preponderance of the evidence in the record supports a finding that the person petitioning the court has engaged in violence and that it is more likely than not that the person will engage in violence after his or her right to possess a firearm is restored, the person shall bear the burden of proving by clear, cogent, and convincing evidence that he or she does not present a substantial danger to the safety of others.

(e) If the petitioner seeks restoration after having been detained under RCW 71.05.150 or 71.05.153, the state shall bear the burden of proof to show, by a preponderance of the evidence, that the petitioner does not meet the restoration criteria in (c) of this subsection.

(f) When a person's right to possess a firearm has been restored under this subsection, the court shall forward, within three judicial days after entry of the restoration order, notification that the person's right to possess a firearm has been restored to the department of licensing and the Washington state patrol criminal records division, with a copy of the person's driver's license or identicard, or comparable identification such as their name, address, and date of birth, and to the health care authority, and the national instant criminal background check system index, denied persons file. In the case of a person whose right to possess a firearm has been suspended for six months as provided in RCW 71.05.182, the department of licensing shall forward notification of the restoration order to the licensing authority, which, upon receipt of such notification, shall immediately lift the

suspension, restoring the person's concealed pistol license.

(4) No person who has been found not guilty by reason of insanity may petition a court for restoration of the right to possess a firearm unless the person meets the requirements for the restoration of the right to possess a firearm under RCW 9.41.040(4).

**Sec. 4.** RCW 9.41.092 and 2019 c 3 s 4 are each amended to read as follows:

~~((1))~~ Except as otherwise provided in this chapter ~~((and except for semiautomatic assault rifles under subsection (2) of this section))~~, a licensed dealer may not deliver any firearm to a purchaser or transferee until the earlier of:

~~((a))~~ (1) The results of all required background checks are known and the purchaser or transferee ~~((i))~~ (a) is not prohibited from owning or possessing a firearm under federal or state law and ~~((ii))~~ (b) does not have a voluntary waiver of firearm rights currently in effect; ~~((e))~~ and

~~((b))~~ (2) Ten business days have elapsed from the date the licensed dealer requested the background check. ~~((However, for sales and transfers of pistols if the purchaser or transferee does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, then the time period in this subsection shall be extended from ten business days to sixty days.~~

(2) Except as otherwise provided in this chapter, a licensed dealer may not deliver a semiautomatic assault rifle to a purchaser or transferee until ten business days have elapsed from the date of the purchase application or, in the case of a transfer, ten business days have elapsed from the date a background check is initiated.)

**Sec. 5.** RCW 9.41.094 and 2019 c 3 s 7 are each amended to read as follows:

A signed application to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm shall constitute a waiver of confidentiality and written request that the health care authority, mental health institutions, and other health care facilities release ~~((, to an inquiring court or law enforcement agency,))~~ information relevant to the applicant's eligibility to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm to an inquiring court ~~((e))~~ law enforcement agency, or the Washington state patrol firearms background check program.

**Sec. 6.** RCW 9.41.097 and 2019 c 3 s 8 are each amended to read as follows:

(1) The health care authority, mental health institutions, and other health care facilities shall, upon request of a court, law enforcement agency, or the state, supply such relevant information as is necessary to determine the eligibility of a person to possess a firearm ~~((e))~~ to be issued a concealed pistol license under RCW 9.41.070,

or to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm under RCW 9.41.090.

(2) Mental health information received by: (a) The department of licensing pursuant to RCW 9.41.047 or 9.41.173; (b) an issuing authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police or sheriff pursuant to RCW 9.41.090 or 9.41.173; (d) a court or law enforcement agency pursuant to subsection (1) of this section; or (e) the Washington state patrol firearms background check program pursuant to RCW 9.41.090, shall not be disclosed except as provided in RCW 42.56.240(4).

**Sec. 7.** RCW 9.41.0975 and 2019 c 3 s 9 are each amended to read as follows:

(1) The state, local governmental entities, any public or private agency, and the employees of any state or local governmental entity or public or private agency, acting in good faith, are immune from liability:

(a) For failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful;

(b) For preventing the sale or transfer of a firearm to a person who may lawfully receive or possess a firearm;

(c) For issuing a concealed pistol license or alien firearm license to a person ineligible for such a license;

(d) For failing to issue a concealed pistol license or alien firearm license to a person eligible for such a license;

(e) For revoking or failing to revoke an issued concealed pistol license or alien firearm license;

(f) For errors in preparing or transmitting information as part of determining a person's eligibility to receive or possess a firearm, or eligibility for a concealed pistol license or alien firearm license;

(g) For issuing a dealer's license to a person ineligible for such a license; or

(h) For failing to issue a dealer's license to a person eligible for such a license.

(2) An application may be made to a court of competent jurisdiction for a writ of mandamus:

(a) Directing an issuing agency to issue a concealed pistol license or alien firearm license wrongfully refused;

(b) Directing ~~((a law enforcement agency))~~ the Washington state patrol firearms background check program to approve an application to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm wrongfully denied;

(c) Directing that erroneous information resulting either in the wrongful refusal to issue a concealed pistol license or alien firearm license or in the wrongful denial of a purchase application for a ~~((pistol or semiautomatic assault rifle))~~ firearm be corrected; or

(d) Directing a law enforcement agency to approve a dealer's license wrongfully denied.

The application for the writ may be made in the county in which the application for a concealed pistol license or alien firearm

license or an application to purchase a ~~((pistol or semiautomatic assault rifle))~~ firearm was made, or in Thurston county, at the discretion of the petitioner. A court shall provide an expedited hearing for an application brought under this subsection (2) for a writ of mandamus. A person granted a writ of mandamus under this subsection (2) shall be awarded reasonable attorneys' fees and costs.

**Sec. 8.** RCW 9.41.110 and 2019 c 3 s 10 are each amended to read as follows:

(1) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in this section.

(2) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any firearm other than a pistol without being licensed as provided in this section.

(3) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any ammunition without being licensed as provided in this section.

(4) The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licensing effective for not more than one year from the date of issue permitting the licensee to sell firearms within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in ~~((RCW 9.41.010 through 9.41.810))~~ this chapter. A licensing authority shall forward a copy of each license granted to the department of licensing. The department of licensing shall notify the department of revenue of the name and address of each dealer licensed under this section.

(5)(a) A licensing authority shall, within thirty days after the filing of an application of any person for a dealer's license, determine whether to grant the license. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card, or has not been a resident of the state for the previous consecutive ninety days, the licensing authority shall have up to sixty days to determine whether to issue a license. No person shall qualify for a license under this section without first receiving a federal firearms license and undergoing fingerprinting and a background check. In addition, no person ineligible to possess a firearm under RCW 9.41.040 or ineligible for a concealed pistol license under RCW 9.41.070 shall qualify for a dealer's license.

(b) A dealer shall require every employee who may sell a firearm in the course of his or her employment to undergo fingerprinting and a background check. An employee must be eligible to possess a firearm, and must not have been convicted of a crime that would

make the person ineligible for a concealed pistol license, before being permitted to sell a firearm. Every employee shall comply with requirements concerning purchase applications and restrictions on delivery of ~~((pistols or semiautomatic assault rifles))~~ firearms that are applicable to dealers.

(6)(a) Except as otherwise provided in (b) of this subsection, the business shall be carried on only in the building designated in the license. For the purpose of this section, advertising firearms for sale shall not be considered the carrying on of business.

(b) A dealer may conduct business temporarily at a location other than the building designated in the license, if the temporary location is within Washington state and is the location of a gun show sponsored by a national, state, or local organization, or an affiliate of any such organization, devoted to the collection, competitive use, or other sporting use of firearms in the community. Nothing in this subsection (6)(b) authorizes a dealer to conduct business in or from a motorized or towed vehicle.

In conducting business temporarily at a location other than the building designated in the license, the dealer shall comply with all other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and this section. The license of a dealer who fails to comply with the requirements of RCW 9.41.080 and 9.41.090 and subsection (8) of this section while conducting business at a temporary location shall be revoked, and the dealer shall be permanently ineligible for a dealer's license.

(7) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises in the area where firearms are sold, or at the temporary location, where it can easily be read.

(8)(a) No ~~((pistol or semiautomatic assault rifle))~~ firearm may be sold: (i) In violation of any provisions of ~~((RCW 9.41.010 through 9.41.810))~~ this chapter; nor (ii) ~~((may a pistol or semiautomatic assault rifle be sold))~~ under any circumstances unless the purchaser is personally known to the dealer or shall present clear evidence of his or her identity.

(b) A dealer who sells or delivers any firearm in violation of RCW 9.41.080 is guilty of a class C felony. In addition to any other penalty provided for by law, the dealer is subject to mandatory permanent revocation of his or her dealer's license and permanent ineligibility for a dealer's license.

(c) The license fee for pistols shall be one hundred twenty-five dollars. The license fee for firearms other than pistols shall be one hundred twenty-five dollars. The license fee for ammunition shall be one hundred twenty-five dollars. Any dealer who obtains any license under subsection (1), (2), or (3) of this section may also obtain the remaining licenses without payment of any fee. The fees received under this section shall be deposited in the state general fund.

(9)(a) The dealer shall transmit the information from the firearm transfer

application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The Washington state patrol firearms background check program shall transmit the application information to the director of licensing daily. The original application shall be retained by the dealer for six years.

(b) A true record ((in triplicate)) shall be made of every ((pistol or semiautomatic assault rifle)) firearm sold, in a book kept for the purpose, the form of which may be prescribed by the director of licensing and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, and a statement signed by the purchaser that he or she is not ineligible under state or federal law to possess a firearm. The dealer shall retain the transfer record for six years and shall, within seven days, send a copy of the transfer record to the department of licensing.

~~((b) One copy shall within six hours be sent by certified mail to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident, or the state pursuant to RCW 9.41.090; the duplicate the dealer shall within seven days send to the director of licensing; the triplicate the dealer shall retain for six years.))~~

(10) Subsections (2) through (9) of this section shall not apply to sales at wholesale.

(11) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses. The department shall provide a single application form for dealer's licenses and a single license form which shall indicate the type or types of licenses granted.

(12) Except as otherwise provided in ~~((RCW 9.41.090))~~ this chapter, every city, town, and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

**Sec. 9.** RCW 9.41.1135 and 2020 c 28 s 4 are each amended to read as follows:

(1) Beginning on the date that is thirty days after the Washington state patrol issues a notification to dealers that a state firearms background check system is established within the Washington state patrol under RCW 43.43.580, a dealer shall use the Washington state patrol firearms background check ((system)) program to conduct background checks for all firearms transfers. A dealer may not sell or transfer a firearm to an individual unless the dealer first contacts the Washington state patrol firearms background check program for a background check to determine the eligibility of the purchaser or transferee to possess a firearm under state and federal law and the requirements and time periods

established in RCW 9.41.090 and 9.41.092 have been satisfied. ~~((When an applicant applies for the purchase or transfer of a pistol or semiautomatic assault rifle, a dealer shall comply with all requirements of this chapter that apply to the sale or transfer of a pistol or semiautomatic rifle. The purchase or transfer of a firearm that is not a pistol or semiautomatic assault rifle must be processed in the same manner and under the same requirements of this chapter that apply to the sale or transfer of a pistol, except that the provisions of RCW 9.41.129, and the requirement in RCW 9.41.110(9)(b) concerning transmitting application records to the director of licensing, shall not apply to these transactions.))~~

(2) A dealer shall charge a purchaser or transferee a background check fee in an amount determined by the Washington state patrol and remit the proceeds from the fee to the Washington state patrol on a monthly basis. The background check fee does not apply to any background check conducted in connection with a pawnbroker's receipt of a pawned firearm or the redemption of a pawned firearm.

(3) This section does not apply to sales or transfers to licensed dealers or to the sale or transfer of an antique firearm.

**Sec. 10.** RCW 9.41.129 and 2019 c 3 s 14 are each amended to read as follows:

The department of licensing shall keep copies or records of applications for concealed pistol licenses provided for in RCW 9.41.070, copies or records of applications for alien firearm licenses, copies or records of applications to purchase ~~((pistols or semiautomatic assault rifles))~~ firearms provided for in RCW 9.41.090, and copies or records of ~~((pistol or semiautomatic assault rifle))~~ firearms transfers provided for in RCW 9.41.110. The copies and records shall not be disclosed except as provided in RCW 42.56.240(4).

NEW SECTION. **Sec. 11.** 2019 c 244 s 1 is repealed.

NEW SECTION. **Sec. 12.** This act takes effect January 1, 2024.

NEW SECTION. **Sec. 13.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Corry moved the adoption of amendment (422) to the striking amendment (338):

On page 1, line 28 of the striking amendment, after "requirements" strike "~~((or))~~ and time periods" and insert "~~((or time periods))~~"

On page 10, beginning on line 22 of the striking amendment, after "until the" strike

all material through "~~initiated.~~")" on line 39 and insert "~~(earlier of:~~

~~(a) The~~) results of all required background checks are known and the purchaser or transferee ~~((+i))~~ (1) is not prohibited from owning or possessing a firearm under federal or state law and ~~((+ii))~~ (2) does not have a voluntary waiver of firearm rights currently in effect ~~(, or~~

~~(b) Ten business days have elapsed from the date the licensed dealer requested the background check. However, for sales and transfers of pistols if the purchaser or transferee does not have a valid permanent Washington driver's license or state identification card or has not been a resident of the state for the previous consecutive ninety days, then the time period in this subsection shall be extended from ten business days to sixty days.~~

~~(2) Except as otherwise provided in this chapter, a licensed dealer may not deliver a semiautomatic assault rifle to a purchaser or transferee until ten business days have elapsed from the date of the purchase application or, in the case of a transfer, ten business days have elapsed from the date a background check is initiated.)"~~

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

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

Amendment (422) to the striking amendment (338) was not adopted.

Representative Christian moved the adoption of amendment (421) to the striking amendment (338):

On page 10, line 29 of the striking amendment, after "check" insert ",except this 10-day waiting period does not apply to any purchaser or transferee who produces a valid concealed pistol license"

Representatives Christian, Griffey, Abbarno, McEntire, Walsh, Dent and Couture spoke in favor of the adoption of the amendment to the striking amendment.

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

Amendment (421) to the striking amendment (338) was not adopted.

Representative Robertson moved the adoption of amendment (419) to the striking amendment (338):

On page 11, line 31 of the striking amendment, after "(1)" strike "The" and insert "~~((The))~~ Except as provided in section 8 of this act, the"

On page 12, after line 36 of the striking amendment, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 9.41 RCW to read as follows:

Any immunity from liability relating to firearm-related transactions provided under RCW 9.41.0975, or under any other provision of law, does not apply to the state, a local

government entity, or a public agency, where the state, local government entity, or public agency approves a firearm transfer or firearms-related permit or license, or fails to confiscate or forfeit a firearm as required by law, and as a result a person uses the firearm to commit an unlawful act."

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

Representatives Robertson, Abbarno, Graham, Walsh and Corry spoke in favor of the adoption of the amendment to the striking amendment.

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

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 42 - YEAS; 53 - NAYS.

Amendment (419) to the striking amendment (338) was not adopted.

Representative Griffey moved the adoption of amendment (417) to the striking amendment (338):

On page 15, beginning on line 10 of the striking amendment, after "program." strike all material through "daily." on line 13

On page 15, beginning on line 25 of the striking amendment, after "years" strike all material through "licensing" on line 26

On page 17, line 5 of the striking amendment, after "9.41.070," insert "and"

On page 17, beginning on line 6 of the striking amendment, after "licenses" strike all material through "9.41.110" on line 9 and insert "~~((, copies or records of applications to purchase pistols or semiautomatic assault rifles provided for in RCW 9.41.090, and copies or records of pistol or semiautomatic assault rifle transfers provided for in RCW 9.41.110))"~~

Representatives Griffey, Walsh, Jacobsen, Abbarno, Couture, Christian, McEntire and Graham spoke in favor of the adoption of the amendment to the striking amendment.

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

Amendment (417) to the striking amendment (338) was not adopted.

Representative Dye moved the adoption of amendment (420) to the striking amendment (338):

On page 7, beginning on line 7 of the striking amendment, strike all of subsection (3)

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

Representatives Dye, Couture, Abbarno, McEntire, Christian, Walsh, Connors, Chambers and Maycumber 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.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 42 - YEAS; 53 - NAYS.

Amendment (420) to the striking amendment (338) was not adopted.

Representative Berry spoke in favor of the adoption of the striking amendment.

Representative Walsh spoke against the adoption of the striking amendment.

The striking amendment (338) 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 Berry, Peterson and Hackney spoke in favor of the passage of the bill.

Representatives Walsh, Griffey, Schmidt, Abbarno, Caldier, Hutchins, Christian, Chambers, Sandlin, Schmick, Couture, Dent, Cheney, Jacobsen, Ybarra, McEntire, Low, Rude, Connors, Barkis, Barnard, Wilcox, Maycumber and Graham spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1143.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1143, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bronoske, Caldier, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Tharinger, Timmons, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives McClintock and Volz

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1143, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

**HOUSE BILL NO. 1568, by Representatives Chambers, Tharinger, Schmick, Leavitt, Harris, Klicker, Schmidt, Caldier, Bateman, Christian, Doglio, Lekanoff, Pollet and Macri**

**Concerning the credentialing of certified health care professionals providing long-term care services.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1568 was substituted for House Bill No. 1568 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1568 was read the second time.

With the consent of the House, amendments (169) and (276) were withdrawn.

Representative Chambers moved the adoption of amendment (379):

On page 1, line 11, after "current renewal fee" insert ", and is exempt from any continuing education requirement imposed as a precondition for returning to active status,"

On page 2, line 9, after "fee" insert ", and is exempt from any continuing education requirement imposed as a precondition for returning to active status,"

On page 7, beginning on line 29, strike all of section 9

Correct the title.

Representatives Chambers and Slatter spoke in favor of the adoption of the amendment.

#### MOTION

On motion of Representative Ramel, Representative Hansen was excused.

Amendment (379) 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 Chambers and Slatter spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1568.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1568, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1568, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1547, by Representatives Caldier, Christian, Volz, Eslick, Hutchins and Graham**

**Increasing the health care workforce by authorizing out-of-state providers to practice immediately.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1547 was substituted for House Bill No. 1547 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1547 was read the second time.

Representative Riccelli moved the adoption of the striking amendment (220):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 18.79 RCW to read as follows:

(1) A registered nurse, advanced registered nurse practitioner, or licensed practical nurse may practice in the state for up to 30 days before obtaining an expedited temporary practice permit under section 2 of this act or a temporary practice permit under RCW 18.130.075 if:

(a) The person is licensed and in good standing in the state of Alaska, California, Idaho, or Oregon;

(b) The person has accepted an employment offer requiring the person to be licensed in Washington as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse; and

(c) The person's employer requests authorization for the person to begin practicing in this state by submitting a form to the commission that includes the person's name, license number, and date of birth, and the commission certifies that the person is licensed and in good standing in the state of Alaska, California, Idaho, or Oregon. The commission must inform the employer of the decision and the authorization within two business days.

(2)(a) A person qualified to practice under this section may only practice in this state to the extent authorized by this chapter as if the person were licensed in this state.

(b) The commission may modify or restrict the services that a person qualified to practice under this section may provide.

(c) An employer of a person qualified to practice under this section may restrict the services that the person may provide.

(3) The right to practice in this state pursuant to this section shall be subject to discipline by order of the commission upon a finding by the commission of an act of unprofessional conduct as defined in RCW 18.130.180 or that the individual is unable to practice with reasonable skill or safety due to a mental or physical condition as described in RCW 18.130.170. A person qualified to practice under this section

shall have the same rights of notice, hearing, and judicial review as provided generally under this chapter and chapter 18.130 RCW.

**NEW SECTION. Sec. 2.** A new section is added to chapter 18.79 RCW to read as follows:

(1) The commission shall issue an expedited temporary practice permit to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse to a person who:

(a) Holds a current license to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse issued by a professional licensing board in the state of Alaska, California, Idaho, or Oregon;

(b) Provides to the commission, in a manner determined by the commission, sufficient proof that the person is in good standing with the issuing out-of-state professional licensing board;

(c) Submits information required for the national background check fingerprint process, if applicable; and

(d) Meets all other requirements and qualifications for a temporary practice permit in accordance with RCW 18.130.075.

(2) An expedited temporary practice permit issued under this section permits a person to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse in Washington, pending the results of the fingerprint-based national background check, to the extent allowed by rules adopted by the commission, and is valid until the earliest of the following:

(a) The date the person is granted a full license to practice as a registered nurse, advanced registered nurse practitioner, or licensed practical nurse in Washington; or

(b) The date the expedited temporary practice permit expires.

(3) An expedited temporary practice permit issued under this section is not renewable.

**NEW SECTION. Sec. 3.** 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 July 1, 2023."

Correct the title.

Representatives Riccelli and Caldier spoke in favor of the adoption of the striking amendment.

The striking amendment (220) 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 Caldier and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1547.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1547, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Hansen, McClintock and Volz

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1547, having received the necessary constitutional majority, was declared passed.

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

**MOTION**

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

- HOUSE BILL NO. 1278
- HOUSE BILL NO. 1468
- HOUSE BILL NO. 1503
- HOUSE BILL NO. 1522
- HOUSE BILL NO. 1534
- HOUSE BILL NO. 1838

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

**SECOND READING**

**HOUSE BILL NO. 1479, by Representatives Callan, Santos, Goodman, Ramel, Ormsby and Pollet**

**Concerning restraint or isolation of students in public schools and educational programs.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1479 was substituted for House Bill No. 1479 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1479 was read the second time.

With the consent of the House, amendments (385), (380), (383), (391), (382), (389), (384), (381), (352), (387), (388), (390) and (236) were withdrawn.

Representative Rude moved the adoption of the striking amendment (308):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28A.600 RCW to read as follows:

(1) **Purpose.** The purposes of this section are to: Protect students from physically harmful and emotionally traumatic practices of chemical restraint, mechanical restraint, and isolation; prohibit use of physical restraint imposed solely for purposes of student discipline or staff convenience; improve the safety and well-being of all staff and students by increasing the professional development and technical assistance provided to staff; and enhance the public accountability of school districts and other providers of public educational services.

(2) **Prohibited and limited isolation and restraint of students.**

(a) The staff of any school district or other provider of public educational services may not subject any student to prohibited isolation or restraint during the provision of educational services.

(b) The staff of any school district or other provider of public educational services may use physical restraint during the provision of educational services only when:

(i) A student's behavior poses an imminent likelihood of serious harm to the student or to others;

(ii) Less restrictive interventions would be ineffective in stopping the imminent likelihood of serious harm to the student or to others;

(iii) The least amount of force necessary is used to protect the student or another person from imminent likelihood of serious harm to the student or to others; and

(iv) The physical restraint of the student ends immediately upon the cessation of the imminent likelihood of serious harm to the student or to others.

(c) Until August 1, 2025, the staff of any school district or other provider of public educational services may isolate a student in an isolation room, during the provision of educational services only when:

(i) A student's behavior poses an imminent likelihood of serious harm to the student or to others;

(ii) Less restrictive interventions would be ineffective in stopping the imminent likelihood of serious harm to the student or to others;

(iii) The least amount of force necessary is used to protect the student or another person from imminent likelihood of serious harm to the student or to others; and

(iv) The isolation of the student ends immediately upon the cessation of the imminent likelihood of serious harm to the student or to others.

(d) Neither a student nor the student's parent or legal guardian may consent, or be asked to consent, to the use of isolation or restraint that is prohibited under this subsection (2).

(e) Nothing in this subsection (2) prohibits a school resource officer as defined in RCW 28A.320.124 from carrying out the lawful duties of a commissioned law enforcement officer.

(3) **Isolation rooms.**

(a)(i) Except as provided in (a)(ii) of this subsection (3), beginning August 1, 2023, school districts and other providers of public educational services shall require that doors to isolation rooms always remain unlocked to the occupants.

(ii) With regard to isolation of students in grades six through 12 in a locked isolation room, a school district or other provider of public educational services that notifies the office of the superintendent of public instruction, by August 1, 2023, of its intent to apply for a time limited waiver of the requirements of (a)(i) of this subsection (3) is not required to comply with the requirements of (a)(i) of this subsection (3) until after it applies to the office of the superintendent of public instruction as described in section 2 of this act, which must be within 90 days of providing its notice, and the office of the superintendent of public instruction either: (A) Grants a time limited waiver that expires no later than August 1, 2025; or (B) denies the application for a waiver and sets a deadline for compliance with the requirements of (a)(i) of this subsection (3).

(b) School districts and other providers of public educational services are prohibited from constructing isolation rooms or other settings for the purpose of isolating a student.

(c) By August 1, 2025, school districts and other providers of public educational services shall remove or repurpose all isolation rooms.

(d) The provisions of this subsection (3) do not apply to a state-operated psychiatric hospital that serves students.

(4) **Notifications.** After each incident of isolation or restraint, whether prohibited or limited, the following notifications must be made:

(a) Immediately following the release of the student from isolation or restraint, the staff who used, or directed the use of, isolation or restraint shall notify the principal, other building administrator, or designee, of the provider of public educational services about the incident;

(b) The principal, other building administrator, or designee of the provider of public educational services shall:

(i) Notify the student's parent or legal guardian about the incident, within 24 hours of the incident; and

(ii) Send written documentation to the parent or legal guardian, within three business days of the incident; and

(c) With regard to use of prohibited isolation or restraint, the principal, other building administrator, or designee, of the provider of public educational services shall notify the following people or entities about the incident in accordance with the applicable deadlines:

(i) The school district superintendent or other chief administrator of the provider of public educational services, within one business day of the incident;

(ii) The office of the superintendent of public instruction, within three business days of the incident; and

(iii) If the school district or other provider of public educational services is a

contractor, the contractee, within three business days of the incident.

(5) **Incident reviews.** After every incident of isolation or restraint, whether prohibited or limited, the following incident reviews must be completed.

(a) As soon as practicable, but no later than one week following submission of the incident report as required under subsection (6)(a) of this section, the principal, other building administrator, or designee, of the provider of public educational services shall review the incident with the student and the student's parent or legal guardian to discuss relevant events that occurred before, during, and after the incident, and to inform the student's parent or legal guardian about behavioral intervention planning that must be completed under subsection (7) of this section.

(b) As soon as practicable following the release of a student from isolation or restraint, staff must provide the student with an opportunity to meet with a counselor, nurse, psychologist, or social worker to reflect, process, and recover.

(c) As soon as practicable following the release of a student from isolation or restraint, a team of staff, including the staff who used, or directed the use of, isolation or restraint, shall review the incident to, among other things:

(i) Provide the staff who used, or directed the use of, isolation or restraint with an opportunity to reflect, process, and recover;

(ii) Determine whether proper procedures were followed; and

(iii) Identify additional training, coaching, or assistance that may support staff who used, or directed the use of, isolation or restraint to use less restrictive interventions in similar situations in the future.

(6) **Incident reports.** The following reports related to incidents of isolation and restraint, whether prohibited or limited, and incidents of room clears must be prepared and submitted.

(a) Within two business days of the incident, staff who used, or directed the use of, isolation, restraint, or a room clear shall prepare and submit a written report of the incident to the school district superintendent or other chief administrator of the provider of public educational services. At a minimum, the written report must include:

(i) The date, time, duration, and location of the incident;

(ii) Names and job titles of staff who used, or directed the use of, isolation, restraint, or a room clear and of staff who observed the incident;

(iii) The type of restraint or isolation used, if applicable;

(iv) A description of relevant events that occurred before, during, and after the incident, including any less restrictive interventions attempted;

(v) Information about any known physical injuries or psychological trauma experienced by the student or staff due to the incident, including whether medical care was sought or received, and whether staff requested or used leave benefits;

(vi) Recommended preventative actions for the staff or the provider of public educational services to take to prevent similar, future incidents; and

(vii) Other information as required by rule of the office of the superintendent of public instruction.

(b) The school district superintendent or other chief administrator of a provider of public educational services shall prepare a summary of the incident reports submitted under (a) of this subsection (6), at least annually and as required by the school district board of directors or other governing body of a provider of public educational services. The summary must be disaggregated for purposes of trend analyses, for example by the student categories and subcategories provided under RCW 28A.300.042 (1) and (3), student gender, students who are dependent pursuant to chapter 13.34 RCW, students who are homeless as defined in RCW 43.330.702, students who are multilingual/English learners, status as a student with a parent who is a member of the armed forces, by school or other applicable unit, by staff job title, by contractor, and by incident type.

(c) The school district superintendent or other chief administrator of a provider of public educational services must submit incident report data and summaries prepared under (a) and (b) of this subsection (6), at the time and in the manner required by the office of the superintendent of public instruction.

(7) **Behavioral intervention plan.** After every incident of isolation or restraint, whether prohibited or limited, the following activities related to behavioral intervention planning must be completed.

(a) As soon as practicable following the release of a student from isolation or restraint, staff shall:

(i) Complete a functional behavioral assessment of the student, unless a functional behavioral assessment was previously completed for the behavior of concern; and

(ii) Develop a behavioral intervention plan for the student or, if a behavioral intervention plan has already been developed, review the behavioral intervention plan and modify it as necessary to address the student's behavior of concern.

(b) Nothing in this subsection (7) limits behavioral intervention planning for students with individualized education programs under Part B of the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq.

(8) **Policies and procedures.**

(a) The school district board of directors or other governing body of a provider of public educational services shall adopt a student isolation and restraint policy and procedures that meets the requirements of this section. The procedures must include a process for convening a team of staff to review every incident of isolation or restraint using a systems improvement approach that focuses on supporting staff to use less restrictive interventions as alternatives to isolation and restraint.

(b) During the 2024-25 school year, and periodically thereafter, the school district board of directors or other governing body of a provider of public educational services shall review and revise, as necessary, its student isolation and restraint policy and procedures with input from staff, students, students' families, advocacy organizations, and other appropriate members of the community.

(9) **Professional development plans.**

(a)(i) By January 30, 2024, the school district superintendent or other chief administrator of a provider of public educational services, or the school district board of directors or other governing body of a provider of public educational services, shall prepare and submit to the office of the superintendent of public instruction a staff professional development plan and timeline as required by this subsection (9).

(ii) By August 31, 2024, and by August 31st annually thereafter, an update on the implementation of its staff professional development plan must be submitted to the office of the superintendent of public instruction.

(b)(i) The plan must include professional development on the following topics:

(A) The policy and procedure adopted under subsection (8) of this section;

(B) Evidence-based, trauma-informed, student-centered, proactive crisis prevention and intervention practices that are less restrictive than isolation and restraint, such as de-escalation strategies;

(C) Evidence-based, trauma-informed, behavioral health supports for students and staff that include restorative practices; and

(D) Evidence-based, systemic approaches to eliminating the use of prohibited isolation and restraint, to reduce the use of physical restraint, and to eliminate disparities in use of prohibited and limited isolation and restraint, such as multitiered systems of support and universal design for learning.

(ii) The plan and any updates must describe the professional development that will be provided to staff during the following school year. Any professional development programs and resources provided to staff must be selected from the list developed by the office of the superintendent of public instruction as required by section 2(4) of this act.

(iii) Example modes of professional development include: Trainings provided by the office of the superintendent of public instruction, educational service districts, the school district or other provider of public educational services; pursuit of credentials through formal education programs; working with a mentor or coach; and involvement in professional learning communities. Nothing in this subsection (9) requires all staff to be provided identical or equivalent professional development. Rather, professional development content, intensity, duration, and frequency must be appropriate to each staff type, staff experience, and staff assignment, and must be informed by the incident reviews

completed under subsection (5) of this section.

(iv) To the extent the use of the funds is not specified in RCW 28A.415.445 or the omnibus operating appropriations act, school districts and other providers of public educational services that receive funding for professional learning days under RCW 28A.150.415 may use this funding to meet the requirements of this subsection (9).

(c) Professional development must be prioritized to staff in the following order:

(i) First to staff providing educational services to students with disabilities in prekindergarten through grade five;

(ii) Second to staff providing educational services to students with disabilities in grades six through 12; and

(iii) Third to all other staff.

(d) The plan must describe the mechanism used to determine whether an entity under contract to provide educational services to students is providing professional development to the contractor's staff as required by this subsection (9).

**(10) Duties of governing bodies.**

(a) Beginning in the 2023-24 school year, and every four years thereafter, each member of a school district board of directors or other governing body of a provider of public educational services shall complete the training program on student isolation and restraint provided at no cost as required under section 2(6) of this act.

(b) On an annual basis, the school district board of directors or other governing body of a provider of public educational services shall monitor the impact of the policy and procedures adopted under subsection (8) of this section by, at a minimum: (i) Performing trend analyses using the summary of incident reports prepared by the school district superintendent or other chief administrator of the provider of public educational services under subsection (6) of this section; and (ii) reviewing the professional development plan and updates prepared under subsection (9) of this section.

**(11) Rules.** The office of the superintendent of public instruction shall adopt rules under chapter 34.05 RCW for the implementation of this section.

**(12) Definitions.** The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Behavioral intervention plan" means the individualized plan developed for a student and implemented by staff for the purpose of changing, replacing, modifying, or eliminating a student's behavior or behaviors of concern.

(b) "Chemical restraint" means a drug or chemical administered by staff to a student to control the student's behavior or restrict the student's freedom of movement that is: (i) Not prescribed by a licensed health professional acting within the scope of the practice of that health profession for the standard treatment of a student's medical or psychiatric condition; (ii) not administered by a licensed health professional acting within the scope of the practice of that health profession; or (iii) not administered in accordance with the

student's medical or psychiatric treatment plan.

(c) "Educational service" means instruction and other activities delivered or sponsored by a school district or other provider of public educational services, for example: General education services; special education services; medical services; safety and security services; transportation services; and any developmental, corrective, or other supportive services necessary for a student eligible for special education services to benefit from special education services.

(d) "Functional behavioral assessment" means the process or evaluation used by staff to understand the cause or purpose of a student's specific behavior or behaviors of concern in a specific environment.

(e) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote.

(f) "Isolation," also known as seclusion, means the involuntary isolation of a student, by staff, in an isolation room from which the student is not free to leave. "Isolation" does not include a time away, which is a student-selected behavior management technique that provides a student with an opportunity for self-calming, where the student is separated from others for a limited period, in a setting that is staff-monitored and from which the student may leave at any time.

(g) "Isolation room" means a room or other enclosed area, whether within or outside a classroom, used to isolate a student.

(h) "Likelihood of serious harm" means a substantial risk that:

(i) Harm will be inflicted by the student upon his or her own person, as evidenced by threats or attempts to commit suicide, or inflict harm on oneself; or

(ii) Harm will be inflicted by the student upon another, as evidenced by behavior that places another person or persons in reasonable fear of sustaining such harm.

(i) "Mechanical restraint" means staff use of a device to restrict a student's freedom of movement. "Mechanical restraint" does not include: (i) A device used by staff or a student: (A) As prescribed by a licensed health professional acting within the scope of the practice of that health profession; (B) as documented in a student's individualized education program under Part B of the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. or a student's plan developed under section 504 of the rehabilitation act of 1973; or (C) for a specific therapeutic, orthopedic, or medical purpose, when used for its designed purpose; or (ii) the use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

(j) "Physical escort" means the temporary touching or holding of a student's hand, wrist, arm, shoulder, or back by staff, without the use of force, for the purpose of directing the student to a safe or otherwise appropriate location.

(k) "Physical prompt" means a teaching technique used by staff that involves voluntary physical contact with a student for the purpose of enabling the student to learn or model the physical movement necessary for the development of a desired competency.

(l) "Physical restraint" means physical contact by one or more staff that immobilizes or reduces the ability of a student to move the student's arms, legs, torso, or head freely. "Physical restraint" does not include chemical restraint, mechanical restraint, physical escort, or physical prompt.

(m) "Prohibited isolation or restraint" means staff use of one or more of the following interventions on a student:

- (i) Chemical restraint;
- (ii) Mechanical restraint;
- (iii) Beginning August 2, 2025, isolation;
- (iv) Physical restraint or physical escort that is life-threatening, restricts breathing, or restricts blood flow to the brain, including prone, supine, and wall restraints;

(v) Isolation or physical restraint that is contraindicated based on the student's disability or health care needs or medical or psychiatric condition as documented in:

- (A) A health care directive or medical management plan;
- (B) A behavioral intervention plan;
- (C) An individualized education program under Part B of the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq.; or
- (D) A plan developed under section 504 of the federal rehabilitation act of 1973;
- (vi) Corporal punishment as prohibited by RCW 28A.150.300; and
- (vii) Noxious spray and other aversive intervention as prohibited in rule of the office of the superintendent of public instruction.

(n) "Provider of public educational services" means any entity that directly operates, or provides educational services under contract to, an elementary or secondary school program that receives public funds from the office of the superintendent of public instruction. "Provider of public educational services" includes a school district, public school as defined in RCW 28A.150.010, an educational service district, an institutional education provider as defined in RCW 28A.190.005, a public agency or private entity providing educational services under contract with any other provider of public educational services, and any providers of services in accordance with Part B of the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. In addition, "provider of public educational services" includes the state school for the blind and the center for deaf and hard of hearing youth established under RCW 72.40.010.

(o) "Restraint" includes chemical restraint, mechanical restraint, and physical restraint.

(p) "Room clear" means the procedure used by staff in an emergency to direct all students, except for any students causing

the emergency, to leave a room. Except as provided in rule of the office of the superintendent of public instruction, a room clear is not isolation.

(q) "Staff" means an employee or contractor of a school district or other provider of public educational services. "Staff" does not include licensed or certified health professionals of inpatient health care facilities.

(r) "Students" means children and youth served by a school district or other provider of public educational services.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) As required by this section, the office of the superintendent of public instruction shall monitor and support the compliance of school districts and other providers of public educational services with requirements related to prohibited and limited uses of student isolation and restraint under section 1 of this act.

(2) Within three months of receipt, the office of the superintendent of public instruction shall review each professional development plan and update submitted by a school district or other provider of public educational services under section 1(9) of this act.

(3) At least annually, the office of the superintendent of public instruction shall require school districts and other providers of public educational services to submit incident report data and summaries prepared under section 1(6) of this act. The office of the superintendent of public instruction shall publish the incident report data and summaries on its website within 90 days of receipt. The data must be published in a manner that allows trend analyses, including analysis of intersecting marginalized identities.

(4)(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall provide technical assistance to school districts and other providers of public educational services to meet the requirements of section 1 of this act. At a minimum, this technical assistance must include:

(i) Developing and publishing guidance on the requirements of section 1 of this act and related rules;

(ii) Identifying and publishing a list of professional development programs and resources that meet the requirements of section 1(9) of this act;

(iii) Providing or contracting for the provision of professional development that meets the requirements of section 1(9) of this act. The office of the superintendent of public instruction shall establish the criteria for and prioritize the provision of professional development that gives priority to: (A) School districts and other providers of public educational services that were approved for a waiver under subsection (7) of this section; (B) staff who provide educational services to students in prekindergarten through grade five; and (C) school districts and other providers of

public educational services with high incidents of isolation, restraint, or room clears. Professional development must be provided to the principals and other building administrators of the school districts and other providers of public educational services identified as priorities under this section; and

(iv) Completing site visits and providing on-site coaching, when appropriate.

(b) Prior to implementing the technical assistance described in (a) of this subsection (4), and periodically thereafter, the office of the superintendent of public instruction shall collaborate with statewide associations representing school administrators, classified staff, and certificated staff to conduct focus groups for the purpose of better understanding staff challenges related to implementation of section 1 of this act.

(5) When a school district or other provider of public educational services is not making sufficient progress towards the goals established in its professional development plan submitted under section 1(9) of this act or when disparities in use of isolation or restraint are identified in its incident report data submitted under section 1(6) of this act, the office of the superintendent of public instruction shall place the school district or other provider of public educational services on a plan of improvement. Under a plan of improvement, the office of the superintendent of public instruction shall provide targeted technical assistance, including annual site visits, until the school district or other provider of public educational services meets its professional development plan goals, or eliminates disparities in use of isolation or restraint, or both.

(6)(a) As required by this subsection (6), the office of the superintendent of public instruction shall develop and periodically update a training program on student isolation and restraint for school district boards of directors and the governing bodies of other providers of public educational services.

(b) At a minimum, the training program must include the following content: The legal prohibitions and limitations on the use of isolation and restraint on students provided under section 1 of this act; the social-emotional and physical impacts to students and staff resulting from the use of isolation and restraint rather than trauma-informed interventions, such as de-escalation strategies and student-centered, restorative practices; how to assess compliance with section 1 of this act; and options for supporting system improvement by reprioritizing resources.

(c) The training program must be developed and updated in partnership with the Washington state school directors' association.

(d) The training program must be made available at no cost to school district boards of directors, the governing bodies of other providers of public educational services, and the Washington state school directors' association.

(7)(a) By August 1, 2023, and as required by this subsection (7), the office of the

superintendent of public instruction shall establish a process for school districts and other providers of public educational services to apply for a time limited waiver, which expires no later than August 1, 2025, of the requirements of section 1(3)(a)(i) of this act that permits the isolation of students in grades six through 12 in a locked isolation room.

(b) The office of the superintendent of public instruction shall provide technical assistance to school districts and other providers of public educational services that have notified the office by August 1, 2023, of their intent to apply for a waiver. Technical assistance must include assisting with the preparation of a professional development plan that supports compliance with the requirements of section 1(3)(a)(i) of this act as soon as possible, but no later than the end of an approved waiver period.

(c) The office of the superintendent of public instruction shall notify applicants as soon as possible whether their application has been approved or denied. If the office of the superintendent of public instruction denies an application, it must set a deadline for the school district or other provider of public educational services to comply with the requirements of section 1(3)(a)(i) of this act and notify the school district or other provider of public educational services of the compliance deadline as soon as possible.

(d) School districts and other providers of public educational services granted a waiver under this subsection (7) must provide professional development to staff and conduct other activities necessary to comply with the requirements of section 1(3)(a)(i) of this act by the end of the approved waiver period.

(8) Annually by November 1st, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature with a summary of its activities to monitor and support the compliance of school districts and other providers of public educational services with requirements related to prohibited and limited uses of student isolation and restraint under section 1 of this act. The report must describe the progress that school districts and other providers of public educational services have made towards providing professional development to staff as required by section 1(9) of this act. The report must also highlight exemplar school districts and other providers of public educational services using best practices to eliminate the use of isolation and restraint.

(9) The office of the superintendent of public instruction shall adopt rules under chapter 34.05 RCW for the implementation of this section.

(10) As used in this section, "isolation," "provider of public educational services," "restraint," and "staff" have the same meaning as in section 1 of this act.

**NEW SECTION. Sec. 3.** (1) By December 1, 2024, and in compliance with RCW



43.01.036, with respect to student isolation and restraint-related professional development requirements under sections 1 and 2 of this act, the office of the superintendent of public instruction must report to the appropriate committees of the legislature with its progress on developing a professional development deployment strategy and assembling of a network of professional development providers, as well as its assessment of the need and demand for professional development in the coming biennium.

(2) This section expires June 30, 2025.

**NEW SECTION. Sec. 4.** (1) By December 1, 2023, and in compliance with RCW 43.01.036, the Washington professional educator standards board and the paraeducator board must jointly submit to the appropriate committees of the legislature a plan for integrating into educator preparation programs and paraeducator certificate requirements instruction requirements related to prohibited and limited uses of student isolation and restraint under section 1 of this act.

(2) This section expires June 30, 2024.

**NEW SECTION. Sec. 5.** (1) The office of the superintendent of public instruction must contract with a research entity to study and report on the use of room clears in Washington. The research entity must analyze and report on the impacts of a room clear on the students involved, including those who are removed from the classroom. The report must, at a minimum, consider the impact of room clears on lost instructional time, student mental health, and social-emotional learning. The research entity must also identify and summarize best practices on the use of room clears. The report of the research entity must be submitted by the office of the superintendent of public instruction to the appropriate committees of the legislature by September 1, 2024, in compliance with RCW 43.01.036.

(2) This section expires June 30, 2027.

**Sec. 6.** RCW 28A.155.210 and 2013 c 202 s 3 are each amended to read as follows:

A school that is required to develop an individualized education program as required by federal law must include within the plan procedures for notification of, and incident review with, a parent or legal guardian regarding the use of restraint or isolation as provided under section 1 of this act.

**Sec. 7.** RCW 28A.310.515 and 2021 c 38 s 4 are each amended to read as follows:

(1)(a) A safety and security staff training program is established. The program must be jointly developed by the educational service districts, but may be administered primarily by one or more educational service districts. The program must meet the requirements of this section.

(b) When developing the safety and security staff training program, the educational service districts should engage with the state school safety center

established in RCW 28A.300.630 and the school safety and student well-being advisory committee established in RCW 28A.300.635.

(2) The educational service districts must identify or develop classroom training on the following subjects:

(a) Constitutional and civil rights of children in schools, including state law governing search and interrogation of youth in schools;

(b) Child and adolescent development;

(c) Trauma-informed approaches to working with youth;

(d) Recognizing and responding to youth mental health issues;

(e) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;

(f) Bias free policing and cultural competency, including best practices for interacting with students from particular backgrounds, including English learner, LGBTQ, immigrant, female, and nonbinary students;

(g) Local and national disparities in the use of force and arrests of children;

(h) Collateral consequences of arrest, referral for prosecution, and court involvement;

(i) Resources available in the community that serve as alternatives to arrest and prosecution and pathways for youth to access services without court or criminal justice involvement;

(j) De-escalation techniques when working with youth or groups of youth;

(k) State law regarding restraint and isolation in schools, including ((RCW 28A.600.485))section 1 of this act;

(l) The federal family educational rights and privacy act (20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes; and

(m) Restorative justice principles and practices.

(3) The educational service districts must provide, or arrange for the delivery of, classroom training on the subjects listed in subsection (2) of this section. At a minimum, classroom trainings on each subject must be provided annually, remotely, synchronously or asynchronously, and by at least one educational service district. Classroom training may be provided on a fee-for-service basis and should be self-supporting.

(4) The educational service districts must provide to safety and security staff, upon request, documentation that the safety and security staff training series described in RCW 28A.400.345(2) has been completed. Before providing this training series documentation, completion of each component of the training series must be verified or, in the case of safety and security staff with significant prior training and experience, waived.

(5) The educational service districts must develop and publish guidelines for on-the-job training and check-in training that include recommendations for identifying and recruiting experienced safety and security staff to provide the trainings, suggested

activities during on-the-job trainings, and best practices for meaningful check-in trainings. The guidelines for check-in training must also include recommended frequency, possible topics of discussion, and options for connecting virtually.

(6) For purposes of this section, the term "safety and security staff" has the same meaning as in RCW 28A.320.124.

**NEW SECTION. Sec. 8.** RCW 28A.600.485 (Restraint of students—Use of restraint or isolation specified in individualized education programs or plans developed under section 504 of the rehabilitation act of 1973—Procedures—Summary of incidents of isolation or restraint—Publishing to website) and 2015 c 206 s 3 & 2013 c 202 s 2 are each repealed.

**NEW SECTION. Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Rude moved the adoption of amendment (438) to the striking amendment (308):

On page 1, beginning on line 14 of the striking amendment, strike all of subsections (2) and (3) and insert the following:

**"(2) Prohibited isolation and restraint of students.**

(a) The staff of any school district or other provider of public educational services may not subject any student to prohibited isolation or restraint during the provision of educational services.

(b)(i) The isolation of any student in prekindergarten through grade 2 by the staff of any school district or other provider of public educational services during the provision of educational services is prohibited.

(ii) Beginning January 1, 2026, the isolation of any student in grade 3 through 12 by the staff of any school district or other provider of public educational services during the provision of educational services is prohibited.

(c) Neither a student nor the student's parent or legal guardian may consent, or be asked to consent, to the use of isolation or restraint that is prohibited under this subsection (2).

**(3) Limited physical restraint of students.** The staff of any school district or other provider of public educational services may use physical restraint during the provision of educational services only when:

(a) The student's behavior poses an imminent likelihood of serious harm to the student or to others;

(b) Less restrictive interventions would be ineffective in stopping the imminent likelihood of serious harm to the student or to others;

(c) The least amount of force necessary is used to protect the student or another person from an imminent likelihood of serious harm to the student or to others; and

(d) The physical restraint of the student ends immediately upon the cessation of the imminent likelihood of serious harm to the student or to others.

**(4) Limited isolation of students in isolation rooms.**

(a) Through December 31, 2025, the staff of any school district or other provider of public educational services may use isolation on a student who is in grade three through twelve during the provision of educational services only when:

(i) The student's behavior poses an imminent likelihood of serious harm to the student or to others;

(ii) Less restrictive interventions would be ineffective in stopping the imminent likelihood of serious harm to the student or to others;

(iii) The least amount of force necessary is used to protect the student or another person from an imminent likelihood of serious harm to the student or to others; and

(iv) The isolation of the student ends immediately upon the cessation of the imminent likelihood of serious harm to the student or to others.

(b)(i) Except as provided in (b)(ii) of this subsection (4), beginning August 1, 2023, school districts and other providers of public educational services shall require that doors to isolation rooms remain unlocked to the occupants.

(ii) Using the process established as required by section 2(7) of this act, school districts and other providers of public educational services may, through December 31, 2025, claim a waiver of the requirements of (b)(i) of this subsection (4) to permit the isolation of students in grades three through 12 in a locked isolation room. School districts and other providers of public educational services claiming a waiver must provide professional development to staff and conduct other activities necessary to comply with the requirements of (b)(i) of this subsection (4) no later than January 1, 2026.

(c)(i) School districts and other providers of public educational services are prohibited from constructing isolation rooms or other settings for the purpose of isolating a student.

(ii) By January 1, 2026, school districts and other providers of public educational services shall remove or repurpose all isolation rooms.

**(5) Exemptions.**

(a) The provisions of subsections (4)(b) and (c) of this section do not apply to a state-operated psychiatric hospital that serves students.

(b) Nothing in subsections (2) through (4) of this section prohibits a school resource officer as defined in RCW 28A.320.124 from carrying out the lawful duties of a commissioned law enforcement officer."

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

On page 10, beginning on line 2 of the striking amendment, after "staff" strike all material through "force," on line 3

On page 10, line 18 of the striking amendment, strike all of subsection (iii)

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

On page 13, beginning on line 32 of the striking amendment, strike all of subsection (7) and insert the following:

"(7)(a) By August 1, 2023, and as required by this subsection (7), the office of the superintendent of public instruction shall establish and implement a process for school districts and other providers of public educational services to claim a waiver of the requirements of section 1(4)(b)(i) of this act to permit the isolation of students in grades three through 12 in a locked isolation room. The office of the superintendent of public instruction must grant a waiver to any school district or other provider of public educational services that claims a waiver by August 1, 2023.

(b) The office of the superintendent of public instruction shall provide technical assistance to school districts and other providers of public educational services that claims a waiver. Technical assistance must include assisting with the preparation of a professional development plan that supports compliance with the requirements of section 1(4)(b)(i) of this act as soon as possible, but no later than January 1, 2026."

Representatives Rude and Callan spoke in favor of the adoption of the amendment to the striking amendment.

#### MOTION

On motion of Representative Ramel, Representative Paul was excused.

Amendment (438) to the striking amendment (308) was adopted.

Representative Couture moved the adoption of amendment (348) to the striking amendment (308):

On page 3, line 9, after "After" strike "each incident" and insert "incidents"

On page 3, line 10, after "limited," insert "and after incidents of a room clear,"

On page 3, line 13, after "restraint," insert "and immediately following the return of students from a room clear,"

On page 3, line 14, after "isolation" strike "or restraint" and insert ", restraint, or a room clear"

On page 3, line 22, after "incident" insert ", and, when possible, send written

documentation to the parent or legal guardian via email, on the same calendar day as the incident"

On page 3, line 36, after "After" strike "every incident" and insert "incidents"

On page 3, line 37, after "limited," insert "and after incidents of room clears,"

On page 4, line 13, after "restraint" insert "or the return of students from a room clear"

On page 4, line 14, after "isolation" strike "or restraint" and insert ", restraint, or a room clear"

On page 4, at the beginning of line 17, strike "or restraint" and insert ", restraint, or a room clear"

On page 4, line 39, after "attempted" insert ", including any de-escalation attempts;

(v) Whether the student who was isolated, restrained, or caused the emergency that resulted in a room clear has either an individualized education program or behavioral intervention plan and, if so, whether the program or plan was followed"

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

On page 5, line 28, after "After" strike "every incident" and insert "incidents"

On page 5, line 29, after "limited," insert "and after incidents of room clears,"

On page 5, line 33, after "restraint" insert "or the return of students following a room clear"

On page 5, line 34, after "student" insert "who was isolated, restrained, or caused the emergency that resulted in a room clear"

On page 5, line 37, after "student" insert "who was isolated, restrained, or caused the emergency that resulted in a room clear"

On page 5, line 40, after "concern." insert "When the student has an individualized education program, the behavioral intervention plan must be developed and modified in accordance with the student's individualized education program."

On page 6, line 39, after "strategies" insert "and corresponding classroom management techniques"

Representatives Couture and Santos spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (348) to the striking amendment (308) was adopted.

Representatives Callan and Rude spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (308), 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 Callan, Steele, Couture and Stonier spoke in favor of the passage of the bill.

Representative Rude spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1479.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1479, and the bill passed the House by the following vote: Yeas, 63; Nays, 31; Absent, 0; Excused, 4

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Corry, Dent, Dye, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Walsh, Wilcox and Ybarra

Excused: Representatives Hansen, McClintock, Paul and Volz

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1479, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Wednesday, March 8, 2023, the 59th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 8, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Ryan George and Bridget Kronland. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Robert Watson, Jr., State Commander, Washington State Command Council, National Association for Black Veterans.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4624**, by Representatives Senn and Berry

WHEREAS, Deborah Senn, born on March 8, 1949, was a tireless consumer advocate who was elected in 1992 becoming the first woman elected to serve as the state's insurance commissioner; and

WHEREAS, Commissioner Senn was a national leader on a broad range of issues, including implementing the nation's first regulations for environmental clean-up claims, protecting victims of domestic violence from insurance discrimination, guaranteeing women have access to obstetrician gynecologists, lowering the waiting period on preexisting conditions, and implementing equal recognition of all licensed health care providers; and

WHEREAS, Commissioner Senn was the first insurance commissioner in the United States to call for regulatory action on behalf of Holocaust victims denied insurance benefits, leading to the creation of the International Commission on Holocaust Era Insurance Claims in 1998, and resulting in tens of thousands of elderly claimants around the world receiving long delayed compensation; and

WHEREAS, Commissioner Senn, through the United States Department of Treasury, consulted with finance ministries and central banks in developing and transitioning countries to strengthen their ability to regulate the insurance sector and effectively safeguard consumers; and

WHEREAS, Deborah Senn represented a container ship captain who won a major gender discrimination case after being denied a license to become the first female vessel pilot in Puget Sound; and

WHEREAS, Commissioner Senn loved supporting and mentoring women in public service; and

WHEREAS, Judaism played an important role in developing Senn's commitment to Tikkun Olam, the Jewish concept of "repair of the world"; and

WHEREAS, Commissioner Senn loved watching baseball, showing vizslas at dog shows, singing and writing plays, playing tennis, and spending time in Hawaii; and

WHEREAS, Commissioner Senn was married for 38 years to Rudi Bertschi who called her "his magic"; and

WHEREAS, Commissioner Senn died on February 18, 2022, from complications of metastatic pancreatic cancer;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the contributions and positive generational impacts of Deborah Senn's service on this day.

There being no objection, HOUSE RESOLUTION NO. 4624 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Bronoske presiding) recognized the family of former Insurance Commissioner Deborah Senn and asked the chamber to acknowledge them.

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

## MESSAGES FROM THE SENATE

Tuesday, March 7, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5144  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5186  
 ENGROSSED SENATE BILL NO. 5534  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5716

and the same are herewith transmitted.

Sarah Bannister, Secretary

Wednesday, March 8, 2023

Mme. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5048  
 ENGROSSED SENATE BILL NO. 5175  
 SENATE BILL NO. 5274  
 SUBSTITUTE SENATE BILL NO. 5304  
 SUBSTITUTE SENATE BILL NO. 5491  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5580  
 SUBSTITUTE SENATE BILL NO. 5672

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

## INTRODUCTION &amp; FIRST READING

ESSB 5102 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Frame, Hunt, Liias, Saldaña, Trudeau, Valdez and Wilson, C.)

AN ACT Relating to school library information and technology programs; amending RCW 28A.320.240; adding new sections to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

2SSB 5134 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Dhingra, Frame, Hasegawa, Kuderer, Nguyen, Nobles, Randall, Saldaña and Wellman)

AN ACT Relating to reentry services and supports; amending RCW 72.02.100 and 72.09.270; and creating a new section.

Referred to Committee on Community Safety, Justice, & Reentry.

SSB 5178 by Senate Committee on Transportation (originally sponsored by Fortunato and Gildon)

AN ACT Relating to large debris removal from state highways; and amending RCW 70A.200.060 and 70A.200.140.

Referred to Committee on Transportation.

E2SSB 5236 by Senate Committee on Ways & Means (originally sponsored by Robinson, Keiser, Conway, Frame, Hunt, Kauffman, Lovelett, Nguyen, Nobles, Pedersen, Shewmake, Stanford, Trudeau, Valdez and Wilson, C.)

AN ACT Relating to improving nurse and health care worker safety and patient care by establishing minimum staffing standards in hospitals, requiring hospital staffing committees to develop staffing plans, addressing mandatory overtime and meal and rest breaks, and providing for enforcement; amending RCW 70.41.410, 70.41.420, 70.41.425, 49.12.480, 49.28.130, 49.28.140, and 49.28.150; adding a new section to chapter 70.41 RCW; adding a new chapter to Title 49 RCW; creating a new section; recodifying RCW 70.41.410, 70.41.420, 70.41.425, 49.12.480, 49.28.130, 49.28.140, and 49.28.150; repealing 2017 c 249 s 4 (uncodified); prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

2SSB 5268 by Senate Committee on Ways & Means (originally sponsored by Hasegawa, Warnick, Hunt, Keiser, Kuderer, Nguyen, Nobles, Saldaña, Valdez, Wagoner and Wilson, C.)

AN ACT Relating to equity and efficiencies in public works procurement including modifying small works roster requirements; amending RCW 39.04.010, 39.19.030, 39.10.200, 39.10.210, 39.10.220, 39.10.230, 39.10.240, 39.10.330, 39.10.360, 39.10.380, 39.10.385, 39.10.908, 28A.335.190, 28B.10.350, 28B.50.330, 35.22.620, 35.23.352, 35.61.135, 35.82.076, 36.32.235, 36.32.250, 36.77.075, 39.04.200, 39.04.380, 39.12.040, 52.14.110, 53.08.120, 54.04.070, 57.08.050, 70.44.140, 87.03.436, and 43.131.408; adding new sections to chapter 39.04 RCW; creating a new section; repealing RCW 39.04.155 and 39.04.156; providing effective dates; and declaring an emergency.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

2SSB 5290 by Senate Committee on Ways & Means (originally sponsored by Mullet, Kuderer, Fortunato, Lias, Nobles, Saldaña and Wilson, C.)

AN ACT Relating to consolidating local permit review processes; amending RCW 36.70B.140, 36.70B.020, 36.70B.070, 36.70B.080, and 36.70B.160; adding new sections to chapter 36.70B RCW; creating a new section; and providing an effective date.

Referred to Committee on Local Government.

SSB 5318 by Senate Committee on Human Services (originally sponsored by Nobles, Kuderer, Nguyen and Wilson, C.)

AN ACT Relating to limiting estate recovery; and amending RCW 41.05A.090, 43.20B.080, and 70.129.040.

Referred to Committee on Civil Rights & Judiciary.

SB 5330 by Senators Torres, Muzzall, Shewmake, Van De Wege, Warnick, Kuderer and Lovick

AN ACT Relating to the Washington pesticide application act; amending RCW 17.21.020, 17.21.130, and 17.21.132; and adding a new section to chapter 17.21 RCW.

Referred to Committee on Agriculture and Natural Resources.

ESSB 5334 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Lovelett, Kuderer, Frame, Hasegawa, Nguyen, Nobles and Wilson, C.)

AN ACT Relating to providing a local government option for the funding of essential affordable housing programs; amending RCW 67.28.181 and 82.14.410; and adding a new section to chapter 67.28 RCW.

Referred to Committee on Local Government.

SSB 5358 by Senate Committee on State Government & Elections (originally sponsored by Gildon, Nobles, Conway, Holy, Lovelett, Nguyen, Randall, Torres, Wagoner, Wellman, Wilson, C. and Wilson, L.)

AN ACT Relating to expanding veterans' services and programs; amending RCW 43.60A.101; adding new sections to chapter 43.60A RCW; creating a new section; and providing expiration dates.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

SSB 5388 by Senate Committee on Health & Long Term Care (originally sponsored by Rivers, Cleveland, Muzzall, Conway, Frame, Hasegawa, Keiser, Lovelett, Lovick, Pedersen, Rolfes, Saldaña, Valdez and Wilson, C.)

AN ACT Relating to improving diversity in clinical trials; and adding a new chapter to Title 69 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5389 by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Rivers, Robinson, Van De Wege, Conway, Holy, Schoesler, Wilson, L., Lovick, Randall and Wilson, C.)

AN ACT Relating to the practice of optometry, including expanding the optometric scope of practice to include specified procedures not including the use of lasers, requiring a licensing endorsement to perform these procedures that is based upon mandated educational criteria and hands-on training, and amending the board of optometry's operating procedures; and amending RCW 18.53.010, 18.54.050, and 18.54.070.

Referred to Committee on Health Care & Wellness.

SB 5390 by Senators Shewmake, Warnick, Rolfes, Stanford, Nguyen and Wilson, C.

AN ACT Relating to establishing a programmatic safe harbor agreement on forestlands; and adding a new section to chapter 76.09 RCW.

Referred to Committee on Agriculture and Natural Resources.

2SSB 5412 by Senate Committee on Transportation (originally sponsored by Salomon, Lias, Kuderer, Lovelett, Mullet and Pedersen)

AN ACT Relating to reducing local governments' land use permitting workloads, by ensuring objective and timely design review for housing and other land use proposals within

cities and counties and allowing proposed housing within urban growth boundaries to rely on environmental reviews completed at the comprehensive planning level; amending RCW 36.70B.160 and 43.21C.229; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

SSB 5415 by Senate Committee on Law & Justice (originally sponsored by Trudeau, Pedersen, Dhingra, Saldaña, Valdez and Wilson, C.)

AN ACT Relating to public defense services for persons committed as not guilty by reason of insanity; amending RCW 2.70.020, 10.77.020, 10.77.140, 10.77.150, 10.77.165, 10.77.180, 10.77.190, 10.77.200, 10.77.205, and 10.77.250; reenacting and amending RCW 10.77.010; adding new sections to chapter 2.70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Civil Rights & Judiciary.

SSB 5433 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Muzzall, Shewmake, Lias, Lovelett, MacEwen, Nguyen and Salomon)

AN ACT Relating to derelict aquatic structures; and adding a new chapter to Title 79 RCW.

Referred to Committee on Agriculture and Natural Resources.

SSB 5454 by Senate Committee on Ways & Means (originally sponsored by Cleveland, Robinson, King, Keiser, Van De Wege, Conway, Kuderer, Lias, Nguyen, Shewmake, Stanford and Valdez)

AN ACT Relating to industrial insurance coverage for posttraumatic stress disorders affecting registered nurses; amending RCW 51.08.142; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

SSB 5499 by Senate Committee on Health & Long Term Care (originally sponsored by Mullet, Rivers, King, Cleveland, Braun, Muzzall, Gildon, Hunt and Padden)

AN ACT Relating to the multistate nurse licensure compact; amending RCW 18.79.020, 18.79.202, 18.79.030, 18.130.040, 18.130.040, 18.130.064, and 43.70.110; adding new sections to chapter 18.79 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 70.230 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 70.127 RCW; adding a new section to chapter 70.128 RCW; adding a new section to chapter 18.52C RCW; adding a new chapter to Title 18 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5523 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Dhingra, Conway, Nobles, Shewmake, Trudeau and Wilson, C.)

AN ACT Relating to addressing the forensic pathologist shortage; amending RCW 68.50.104; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5532 by Senate Committee on Ways & Means (originally sponsored by King, Cleveland, Lovelett, Warnick and Wellman)

AN ACT Relating to providing enhanced payment to low volume, small rural hospitals; amending RCW 74.09.5225; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

SSB 5538 by Senate Committee on Ways & Means (originally sponsored by Cleveland, Dhingra and Wilson, C.)

AN ACT Relating to postretirement employment in nursing positions for a state agency; amending RCW 41.37.050 and 41.40.037; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5547 by Senate Committee on Health & Long Term Care (originally sponsored by Robinson, Muzzall, Hasegawa and Mullet)

AN ACT Relating to transparency for nursing pools that provide health care personnel to hospitals and long-term care facilities; amending RCW 18.52C.030 and 18.52C.040; reenacting and amending RCW 18.52C.020; and adding a new section to chapter 18.52C RCW.

Referred to Committee on Health Care & Wellness.

E2SSB 5582 by Senate Committee on Ways & Means (originally sponsored by Holy, Randall, Rivers, Robinson, Dozier, King, Conway, Shewmake, Padden, Lovick, Gildon, Muzzall, Lovelett, Mullet, Nobles, Saldaña, Valdez, Van De Wege, Wellman, Wilson, C. and Wilson, L.)

AN ACT Relating to reducing barriers and expanding educational opportunities to increase the supply of nurses in Washington; amending RCW 18.79.150 and 18.79.110; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.18 RCW; adding new sections to chapter 18.79 RCW; adding a new section to chapter 28A.700 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Postsecondary Education & Workforce.

SB 5621 by Senators Muzzall, Robinson, Keiser, Lovelett, Rolfes, Schoesler, Short, Wagoner and Warnick

AN ACT Relating to protecting workers displaced as a result of finfish aquaculture facility closures; and amending RCW 50.04.075.

Referred to Committee on Labor & Workplace Standards.

SB 5700 by Senators Van De Wege, Cleveland and Dhingra

AN ACT Relating to modernization of state health care authority-related laws; amending RCW 41.05.006, 41.05.009, 41.05.011, 41.05.013, 41.05.015, 41.05.031, 41.05.035, 41.05.039, 41.05.046, 41.05.066, 41.05.068, 41.05.130, 41.05.160, 41.05.220, 41.05.310, 41.05.320, 41.05.400, 41.05.413, 41.05.520, 41.05.540, 41.05.550, 41.05.601, 41.05.650, 41.05.660, 41.05A.120, 41.05A.160, 41.05A.170, 70.320.050, 70.390.020, 71.24.380, 74.09.010, 74.09.171, 74.09.215, 74.09.220, 74.09.325, 74.09.328, 74.09.470, 74.09.4701, 74.09.480, 74.09.522, 74.09.630, 74.09.634, 74.09.645, 74.09.650, 74.09.653, 74.09.655, 74.09.657, and 74.09.860; reenacting and amending RCW 41.05.021, 71.24.035, 74.09.053, and 74.09.659; decodifying RCW 41.05.033, 41.05.110, 41.05.280, 41.05.680, and 74.09.756; and repealing RCW 41.05.090, 41.05.205, 41.05.240, and 74.09.720.

Referred to Committee on Health Care & Wellness.

**SB 5732** by Senators Randall, Rolfes, Conway, Hasegawa, Hunt, Kuderer, Lovelett, Shewmake, Stanford, Valdez and Wilson, C.

AN ACT Relating to protecting senior citizens' and disabled veterans' property tax exemption eligibility; amending RCW 84.36.381; and creating a new section.

Referred to Committee on Finance.

**SJM 8006** by Senators Hasegawa, Cleveland, Billig, Kuderer, Lovelett, Nguyen, Shewmake, Stanford, Valdez and Wilson, C.

Requesting that the federal government create a universal health care program.

Referred to Committee on Health Care & Wellness.

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 sixth order of business.

## SECOND READING

**HOUSE BILL NO. 1714, by Representatives Stonier, Senn, Callan, Kloba, Santos, Bergquist and Timmons**

**Allowing school districts to apply for financial literacy education professional development grants.**

The bill was read the second time.

Representative Stonier moved the adoption of amendment (392):

On page 2, line 7, after "the grant." insert "School districts that currently integrate financial literacy education into professional development are also eligible to qualify for a grant under this section if the professional development has been approved by the financial education public-private partnership."

Representatives Stonier and Corry spoke in favor of the adoption of the amendment.

Amendment (392) 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 Stonier and Corry spoke in favor of the passage of the bill.

## MOTIONS

On motion of Representative Leavitt, Representatives Hansen and Berry were excused.

On motion of Representative Griffey, Representative Chambers was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1714.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1714, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Berry, Chambers and Hansen

ENGROSSED HOUSE BILL NO. 1714, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1636, by Representatives Orwall, Walsh and Timmons**

**Concerning foreclosure protections for homeowners in common interest communities.**

The bill was read the second time.

Representative Orwall moved the adoption of the striking amendment (032):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 64.32.200 and 2021 c 222 s 3 are each amended to read as follows:

(1) The declaration may provide for the collection of all sums assessed by the association of apartment owners for the share of the common expenses chargeable to any apartment and the collection may be enforced in any manner provided in the declaration including, but not limited to, (a) ~~((ten))~~ 10 days notice shall be given the delinquent apartment owner to the effect that unless such assessment is paid within ~~((ten))~~ 10 days any or all utility services will be forthwith severed and shall remain severed until such assessment is paid, or (b) collection of such assessment may be made by such lawful method of enforcement, judicial or extra-judicial, as may be provided in the declaration and/or bylaws.

(2) All sums assessed by the association of apartment owners but unpaid for the share of the common expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only (a) tax liens on the apartment in favor of any assessing unit and/or special district, and (b) all sums unpaid on all mortgages of record. Such lien is not subject to the ban against execution or forced sales of homesteads under RCW 6.13.080 and, subject to the provisions in subsection ~~((+4))~~ (5) of this section, may be foreclosed by suit by the manager or board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the



apartment, if so provided in the bylaws, and the plaintiff in such foreclosures shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid on the apartment at foreclosure sale, and to acquire and hold, lease, mortgage, and convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment, the period of redemption shall be eight months after the sale. Suit to recover any judgment for any unpaid common expenses shall be maintainable without foreclosing or waiving the liens securing the same.

(3) Where the mortgagee of a mortgage of record or other purchaser of an apartment obtains possession of the apartment as a result of foreclosure of the mortgage, such possessor, his or her successors and assigns shall not be liable for the share of the common expenses or assessments by the association of apartment owners chargeable to such apartment which became due prior to such possession. Such unpaid share of common expenses of assessments shall be deemed to be common expenses collectible from all of the apartment owners including such possessor, his or her successors and assigns.

(4)(a) When the association, or the manager or board of directors on its behalf, mails to the apartment owner by first-class mail the first notice of delinquency for past due assessments to the apartment address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.**

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . .  
Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . .  
Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the apartment owner, the association or the association's attorney shall mail the first preforeclosure notice to the apartment owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (5)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(5) An association, or the manager or board of directors on its behalf, may not commence an action to foreclose a lien on an apartment under this section unless:

(a) The apartment owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection

(4)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the apartment address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

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~~Telephone: . . . . .  
Website: . . . . .~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice)) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the apartment owner pursuant to subsection (4)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (4)(a) of this section is mailed;~~

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that apartment.

~~((+5-))~~ (6) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**Sec. 2.** RCW 64.32.200 and 2021 c 222 s 4 are each amended to read as follows:

(1) The declaration may provide for the collection of all sums assessed by the association of apartment owners for the share of the common expenses chargeable to any apartment and the collection may be enforced in any manner provided in the declaration including, but not limited to, (a) ~~((ten))~~ 10 days notice shall be given the delinquent apartment owner to the effect that unless such assessment is paid within ~~((ten))~~ 10 days any or all utility services will be forthwith severed and shall remain severed until such assessment is paid, or (b) collection of such assessment may be made by such lawful method of enforcement, judicial or extra-judicial, as may be provided in the declaration and/or bylaws.

(2) All sums assessed by the association of apartment owners but unpaid for the share of the common expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only (a) tax liens on the apartment in favor of any assessing unit and/or special district, and (b) all sums unpaid on all mortgages of record. Such lien is not subject to the ban against execution or forced sales of homesteads under RCW

6.13.080 and, subject to the provisions in subsection ~~((+4))~~ (5) of this section, may be foreclosed by suit by the manager or board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the apartment, if so provided in the bylaws, and the plaintiff in such foreclosures shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid on the apartment at foreclosure sale, and to acquire and hold, lease, mortgage, and convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment, the period of redemption shall be eight months after the sale. Suit to recover any judgment for any unpaid common expenses shall be maintainable without foreclosing or waiving the liens securing the same.

(3) Where the mortgagee of a mortgage of record or other purchaser of an apartment obtains possession of the apartment as a result of foreclosure of the mortgage, such possessor, his or her successors and assigns shall not be liable for the share of the common expenses or assessments by the association of apartment owners chargeable to such apartment which became due prior to such possession. Such unpaid share of common expenses of assessments shall be deemed to be common expenses collectible from all of the apartment owners including such possessor, his or her successors and assigns.

(4)(a) When the association, or the manager or board of directors on its behalf, mails to the apartment owner by first-class mail the first notice of delinquency for past due assessments to the apartment address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

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~~counselors recommended by the Housing Finance Commission~~

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Website: . . . . .~~

~~The United States Department of Housing and Urban Development~~

~~Telephone: . . . . .  
Website: . . . . .~~

~~The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys~~

~~Telephone: . . . . .  
Website: . . . . .~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.~~

~~(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the apartment owner, the association or the association's attorney shall mail the first preforeclosure notice to the apartment owner in order to satisfy the requirement in (a) of this subsection.~~

~~(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (5)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.~~

~~(5) An association, or the manager or board of directors on its behalf, may not commence an action to foreclose a lien on an apartment under this section unless:~~

~~(a) The apartment owner, at the time the action is commenced, owes at least a sum equal to the greater of:~~

~~(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or~~

~~(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;~~

~~(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (4)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the apartment address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:~~

~~**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**~~

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Website: . . . . .~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the apartment owner pursuant to subsection (4)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (4)(a) of this section is mailed;~~

~~(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and~~

~~(d) The board approves commencement of a foreclosure action specifically against that apartment.~~

~~((4)) (6) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.~~

~~**Sec. 3.** RCW 64.34.364 and 2021 c 222 s 5 are each amended to read as follows:~~

~~(1) The association has a lien on a unit for any unpaid assessments levied against a unit from the time the assessment is due.~~

~~(2) A lien under this section shall be prior to all other liens and encumbrances on a unit except: (a) Liens and encumbrances recorded before the recording of the declaration; (b) a mortgage on the unit recorded before the date on which the assessment sought to be enforced became delinquent; and (c) liens for real property taxes and other governmental assessments or charges against the unit. A lien under this section is not subject to the provisions of chapter 6.13 RCW.~~

~~(3) Except as provided in subsections (4) and (5) of this section, the lien shall also be prior to the mortgages described in subsection (2)(b) of this section to the extent of assessments for common expenses,~~

excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.34.360(1) which would have become due during the six months immediately preceding the date of a sheriff's sale in an action for judicial foreclosure by either the association or a mortgagee, the date of a trustee's sale in a nonjudicial foreclosure by a mortgagee, or the date of recording of the declaration of forfeiture in a proceeding by the vendor under a real estate contract.

(4) The priority of the association's lien against units encumbered by a mortgage held by an eligible mortgagee or by a mortgagee which has given the association a written request for a notice of delinquent assessments shall be reduced by up to three months if and to the extent that the lien priority under subsection (3) of this section includes delinquencies which relate to a period after such holder becomes an eligible mortgagee or has given such notice and before the association gives the holder a written notice of the delinquency. This subsection does not affect the priority of mechanics' or material suppliers' liens, or the priority of liens for other assessments made by the association.

(5) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided by subsection (9) of this section, the association shall not be entitled to the lien priority provided for under subsection (3) of this section.

(6) Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority.

(7) Recording of the declaration constitutes record notice and perfection of the lien for assessments. While no further recording of any claim of lien for assessment under this section shall be required to perfect the association's lien, the association may record a notice of claim of lien for assessments under this section in the real property records of any county in which the condominium is located. Such recording shall not constitute the written notice of delinquency to a mortgagee referred to in subsection (2) of this section.

(8) A lien for unpaid assessments and the personal liability for payment of assessments is extinguished unless proceedings to enforce the lien or collect the debt are instituted within three years after the amount of the assessments sought to be recovered becomes due.

(9) The lien arising under this section may be enforced judicially by the association or its authorized representative in the manner set forth in chapter 61.12 RCW. The lien arising under this section may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration (a) contains a grant of the condominium in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments,

(b) contains a power of sale, (c) provides in its terms that the units are not used principally for agricultural or farming purposes, and (d) provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative shall have the power, unless prohibited by the declaration, to purchase the unit at the foreclosure sale and to acquire, hold, lease, mortgage, or convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption shall be eight months. Nothing in this section shall prohibit an association from taking a deed in lieu of foreclosure.

(10) From the time of commencement of an action by the association to foreclose a lien for nonpayment of delinquent assessments against a unit that is not occupied by the owner thereof, the association shall be entitled to the appointment of a receiver to collect from the lessee thereof the rent for the unit as and when due. If the rental is not paid, the receiver may obtain possession of the unit, refurbish it for rental up to a reasonable standard for rental units in this type of condominium, rent the unit or permit its rental to others, and apply the rents first to the cost of the receivership and attorneys' fees thereof, then to the cost of refurbishing the unit, then to applicable charges, then to costs, fees, and charges of the foreclosure action, and then to the payment of the delinquent assessments. Only a receiver may take possession and collect rents under this subsection, and a receiver shall not be appointed less than ~~((ninety))~~ 90 days after the delinquency. The exercise by the association of the foregoing rights shall not affect the priority of preexisting liens on the unit.

(11) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure shall not be liable for assessments or installments thereof that became due prior to such right of possession. Such unpaid assessments shall be deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(12) In addition to constituting a lien on the unit, each assessment shall be the joint and several obligation of the owner or owners of the unit to which the same are assessed as of the time the assessment is due. In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. Suit to recover a personal judgment for any delinquent assessment shall be maintainable in any court of competent

jurisdiction without foreclosing or waiving the lien securing such sums.

(13) The association may from time to time establish reasonable late charges and a rate of interest to be charged on all subsequent delinquent assessments or installments thereof. In the absence of another established nonusurious rate, delinquent assessments shall bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52.020 on the date on which the assessments became delinquent.

(14) The association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the association shall be entitled to recover costs and reasonable attorneys' fees if it prevails on appeal and in the enforcement of a judgment.

(15) The association upon written request shall furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments against that unit. The statement shall be furnished within fifteen days after receipt of the request and is binding on the association, the board of directors, and every unit owner, unless and to the extent known by the recipient to be false.

(16) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(17)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.**

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Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (18)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(18) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.**

**SEEKING ASSISTANCE**

~~Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:~~

~~The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission~~

~~Telephone: . . . . .~~  
~~Website: . . . . .~~

~~The United States Department of Housing and Urban Development~~

~~Telephone: . . . . .~~  
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~~The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys~~

~~Telephone: . . . . .~~  
~~Website: . . . . .~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice)) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the unit owner pursuant to subsection (17)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed;~~

~~(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and~~

~~(d) The board approves commencement of a foreclosure action specifically against that unit.~~

~~((18)) (19) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.~~

**Sec. 4.** RCW 64.34.364 and 2021 c 222 s 6 are each amended to read as follows:

(1) The association has a lien on a unit for any unpaid assessments levied against a unit from the time the assessment is due.

(2) A lien under this section shall be prior to all other liens and encumbrances on a unit except: (a) Liens and encumbrances recorded before the recording of the declaration; (b) a mortgage on the unit recorded before the date on which the assessment sought to be enforced became delinquent; and (c) liens for real property taxes and other governmental assessments or charges against the unit. A lien under this section is not subject to the provisions of chapter 6.13 RCW.

(3) Except as provided in subsections (4) and (5) of this section, the lien shall also be prior to the mortgages described in subsection (2)(b) of this section to the extent of assessments for common expenses, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.34.360(1) which would have become due during the six months immediately preceding the date of a sheriff's sale in an action

for judicial foreclosure by either the association or a mortgagee, the date of a trustee's sale in a nonjudicial foreclosure by a mortgagee, or the date of recording of the declaration of forfeiture in a proceeding by the vendor under a real estate contract.

(4) The priority of the association's lien against units encumbered by a mortgage held by an eligible mortgagee or by a mortgagee which has given the association a written request for a notice of delinquent assessments shall be reduced by up to three months if and to the extent that the lien priority under subsection (3) of this section includes delinquencies which relate to a period after such holder becomes an eligible mortgagee or has given such notice and before the association gives the holder a written notice of the delinquency. This subsection does not affect the priority of mechanics' or material suppliers' liens, or the priority of liens for other assessments made by the association.

(5) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided by subsection (9) of this section, the association shall not be entitled to the lien priority provided for under subsection (3) of this section.

(6) Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority.

(7) Recording of the declaration constitutes record notice and perfection of the lien for assessments. While no further recording of any claim of lien for assessment under this section shall be required to perfect the association's lien, the association may record a notice of claim of lien for assessments under this section in the real property records of any county in which the condominium is located. Such recording shall not constitute the written notice of delinquency to a mortgagee referred to in subsection (2) of this section.

(8) A lien for unpaid assessments and the personal liability for payment of assessments is extinguished unless proceedings to enforce the lien or collect the debt are instituted within three years after the amount of the assessments sought to be recovered becomes due.

(9) The lien arising under this section may be enforced judicially by the association or its authorized representative in the manner set forth in chapter 61.12 RCW. The lien arising under this section may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration (a) contains a grant of the condominium in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, (b) contains a power of sale, (c) provides in its terms that the units are not used principally for agricultural or farming purposes, and (d) provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The

association or its authorized representative shall have the power, unless prohibited by the declaration, to purchase the unit at the foreclosure sale and to acquire, hold, lease, mortgage, or convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption shall be eight months. Nothing in this section shall prohibit an association from taking a deed in lieu of foreclosure.

(10) From the time of commencement of an action by the association to foreclose a lien for nonpayment of delinquent assessments against a unit that is not occupied by the owner thereof, the association shall be entitled to the appointment of a receiver to collect from the lessee thereof the rent for the unit as and when due. If the rental is not paid, the receiver may obtain possession of the unit, refurbish it for rental up to a reasonable standard for rental units in this type of condominium, rent the unit or permit its rental to others, and apply the rents first to the cost of the receivership and attorneys' fees thereof, then to the cost of refurbishing the unit, then to applicable charges, then to costs, fees, and charges of the foreclosure action, and then to the payment of the delinquent assessments. Only a receiver may take possession and collect rents under this subsection, and a receiver shall not be appointed less than ~~((ninety))~~ 90 days after the delinquency. The exercise by the association of the foregoing rights shall not affect the priority of preexisting liens on the unit.

(11) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure shall not be liable for assessments or installments thereof that became due prior to such right of possession. Such unpaid assessments shall be deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(12) In addition to constituting a lien on the unit, each assessment shall be the joint and several obligation of the owner or owners of the unit to which the same are assessed as of the time the assessment is due. In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. Suit to recover a personal judgment for any delinquent assessment shall be maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(13) The association may from time to time establish reasonable late charges and a rate of interest to be charged on all subsequent delinquent assessments or installments thereof. In the absence of

another established nonusurious rate, delinquent assessments shall bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52.020 on the date on which the assessments became delinquent.

(14) The association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the association shall be entitled to recover costs and reasonable attorneys' fees if it prevails on appeal and in the enforcement of a judgment.

(15) The association upon written request shall furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments against that unit. The statement shall be furnished within fifteen days after receipt of the request and is binding on the association, the board of directors, and every unit owner, unless and to the extent known by the recipient to be false.

(16) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(17)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS**

**FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

**BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.**

**REFER TO THE CONTACTS BELOW for sources of assistance.**

**SEEKING ASSISTANCE**

**Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:**

**The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission**

**Telephone: . . . . .**  
**Website: . . . . .**

**The United States Department of Housing and Urban Development**

**Telephone: . . . . .**  
**Website: . . . . .**

**The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys**

Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (18)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(18) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

~~THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.~~

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~~The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys~~

~~Telephone: . . . . .  
Website: . . . . .~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the unit owner pursuant to subsection (17)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed;~~

~~(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and~~

~~(d) The board approves commencement of a foreclosure action specifically against that unit.~~

~~((18)) (19) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.~~

**Sec. 5.** RCW 64.38.100 and 2021 c 222 s 7 are each amended to read as follows:

(1)(a) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association shall include the following first preforeclosure notice when mailing to the lot owner by first-class mail the first notice of delinquency to the lot address and to any other address that the owner has provided to the association:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE HOMEOWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

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Telephone: . . . . .
Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . .
Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the lot owner, the association or the association's attorney shall mail the first preforeclosure notice to the lot owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (2)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(2) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association may not commence an action to foreclose the lien unless:

(a) The lot owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the lot address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

~~THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE HOMEOWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.~~

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Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the lot owner pursuant to subsection (1)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed;

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that lot.

((2)) (3) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 6. RCW 64.38.100 and 2021 c 222 s 8 are each amended to read as follows:

(1)(a) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association shall include the following first preforeclosure notice when mailing to the lot owner by first-class mail the first notice of delinquency to the lot address and to any other address that the owner has provided to the association:

~~THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE HOMEOWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.~~

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.**

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Telephone: . . . . .  
 Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .  
 Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the lot owner, the association or the association's attorney shall mail the first preforeclosure notice to the lot owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (2)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(2) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association may not commence an action to foreclose the lien unless:

(a) The lot owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association

in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the lot address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE HOMEOWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

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Telephone: . . . . .  
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The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the lot owner pursuant to subsection (1)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed;

(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that lot.

((2)) (3) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**Sec. 7.** RCW 64.90.485 and 2021 c 222 s 1 are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed (~~two thousand dollars~~) \$2,000 or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than (~~sixty~~) 60 days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within (~~sixty~~) 60 days of the written notice,

submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this

section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within ~~((fifteen))~~ 15 days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be

foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

- (i) The reasonable expenses of sale;
- (ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;
- (iii) Satisfaction of the association's lien;
- (iv) Satisfaction in the order of priority of any subordinate claim of record; and
- (v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this

subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest

from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS ASSOCIATION TO WHICH YOUR HOME BELONGS.**

**THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

**CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

**BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.**

**REFER TO THE CONTACTS BELOW for sources of assistance.**

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . .  
Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . .  
Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the

~~first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.~~

~~(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (22)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.~~

~~(22) An association may not commence an action to foreclose a lien on a unit under this section unless:~~

~~(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:~~

~~(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or~~

~~(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;~~

~~(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:~~

~~**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.**~~

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~~Telephone: . . . . .  
Website: . . . . .~~

~~The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys~~

~~Telephone: . . . . .  
Website: . . . . .~~

~~The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the owner pursuant to subsection (21)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed;~~

~~(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and~~

~~(d) The board approves commencement of a foreclosure action specifically against that unit.~~

~~((22)) (23) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.~~

**Sec. 8.** RCW 64.90.485 and 2021 c 222 s 2 are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in

foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed (~~two thousand dollars~~) \$2,000 or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than (~~sixty~~) 60 days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within (~~sixty~~) 60 days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within (~~fifteen~~) 15 days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in

chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to

the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments



accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY. BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress. REFER TO THE CONTACTS BELOW for sources of assistance.**

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you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . .  
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The United States Department of Housing and Urban Development

Telephone: . . . . .  
Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . .  
Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (22)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(22) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$200 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which ((shall state as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.**

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Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice) must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the owner pursuant to subsection (21)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed;

(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

((+22)) (23) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**Sec. 9.** 2021 c 222 s 9 (uncodified) is amended to read as follows:

Sections 1, 3, 5, and 7 of this act expire January 1, ((2024))2025.

**Sec. 10.** 2021 c 222 s 10 (uncodified) is amended to read as follows:

Sections 2, 4, 6, and 8 of this act take effect January 1, ((2024))2025.

**NEW SECTION. Sec. 11.** Sections 1, 3, 5, and 7 of this act expire January 1, 2025.

**NEW SECTION. Sec. 12.** Sections 2, 4, 6, and 8 of this act take effect January 1, 2025."

Correct the title.

Representatives Orwall and Connors spoke in favor of the adoption of the striking amendment.

The striking amendment (032) 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 Orwall, Klicker and Walsh spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Griffey, Representative Graham was excused.

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1636.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1636, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chambers, Graham and Hansen

ENGROSSED HOUSE BILL NO. 1636, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1503, by Representatives Riccelli, Santos, Reeves, Macri and Reed**

**Collecting health care professionals' information at the time of license application and license renewal.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1503 was substituted for House Bill No. 1503 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1503 was read the second time.

Representative Riccelli moved the adoption of amendment (170):

On page 1, line 8, after "after" strike "July 1, 2024" and insert "January 1, 2025"

On page 1, line 20, after "after" strike "July 1, 2024" and insert "January 1, 2025"

Representatives Riccelli and Ybarra spoke in favor of the adoption of the amendment.

Amendment (170) 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 Riccelli and Ybarra spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Griffey, Representative Schmidt was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1503.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1503, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chambers, Graham, Hansen and Schmidt

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1503, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1522, by Representatives Pollet, Leavitt, Berry and Macri**

**Addressing sexual misconduct at scholarly or professional associations.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1522 was substituted for House Bill No. 1522 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1522 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 Pollet, Ybarra and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1522.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1522, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chambers, Graham, Hansen and Schmidt

SECOND SUBSTITUTE HOUSE BILL NO. 1522, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1534, by Representatives Orwall, Berry and Fosse**

**Strengthening protections for consumers in the construction industry.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1534 was substituted for House Bill No. 1534 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1534 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 Orwall, Robertson, Connors and Corry spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1534.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1534, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chambers, Graham and Hansen

SECOND SUBSTITUTE HOUSE BILL NO. 1534, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1303, by Representatives Street, Ramel and Reed**

**Concerning the administration of property taxes.**

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1303.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1303, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chambers, Graham and Hansen

HOUSE BILL NO. 1303, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1750, by Representatives Berg, Reed, Taylor, Cortes, Street, Ramel, Leavitt, Kloba, Tharinger, Fosse, Gregerson, Stonier, Entenman, Reeves, Slatter, Donaghy, Santos, Hackney, Morgan, Timmons, Ormsby, Orwall, Callan, Duerr, Berry, Davis, Chapman, Abbarno, Thai, Senn, Alvarado, Walen, Rule, Doglio, Ryu and Pollet**

**Promoting water safety education.**

The bill was read the second time.

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

Representatives Berg, Abbarno, Eslick, Barkis, Schmick, Dent and Christian spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1750.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1750, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier,

Callan, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chambers and Hansen

HOUSE BILL NO. 1750, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1317, by Representatives Pollet and Gregerson**

**Concerning grassroots lobbying disclosure.**

The bill was read the second time.

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

Representatives Pollet and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1317.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1317, and the bill passed the House by the following vote: Yeas, 65; Nays, 32; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, Maycumber, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representative Hansen

HOUSE BILL NO. 1317, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1804, by Representative Steele**

**Concerning eligibility for participation in the public employees' benefits board for retired or disabled employees of counties, municipalities, and other political subdivisions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1804 was substituted for House Bill No. 1804 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1804 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 Steele and Gregerson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1804.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1804, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Hansen

SUBSTITUTE HOUSE BILL NO. 1804, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1282, by Representatives Duerr, Hackney, Berry, Ramel, Doglio, Reed and Pollet**

**Requiring environmental and labor reporting for public building construction and renovation material.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1282 was substituted for House Bill No. 1282 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1282 was read the second time.

Representative Duerr moved the adoption of the striking amendment (376):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds and declares that:

(1) Washington state, through its extensive purchasing power, can reduce embodied carbon in the built environment, improve human and environmental health, grow economic competitiveness, and promote high labor standards in manufacturing by incorporating climate and other types of pollution impacts and the quality of working conditions into the procurement process.

(2) Washington state is home to multiple world-class manufacturers that are investing heavily in reducing the carbon intensity of their products and that provide family-wage jobs that are the foundation for a fair and robust economy. Washington's procurement practices should encourage manufacturers and

others to meet high environmental and labor standards and reduce their environmental footprint.

(3) The private sector is increasingly demanding low carbon building materials that support good jobs in manufacturing. This market demand has rapidly accelerated innovation and led to increased production of low carbon building materials. As one of the largest consumers of building materials, Washington state has an opportunity to leverage its purchasing power to do even more to send a clear signal to the market of the growing demand for low carbon building materials.

(4) With its low carbon electric grid and highly skilled workforce, Washington state is well-positioned to capture the growing demand for low carbon building materials and create and sustain a new generation of good, high-wage clean manufacturing jobs.

(5) Washington has demonstrated a deep commitment to ensuring that the transition to a low carbon economy is fair and creates family-wage jobs. Both the clean energy transformation act and the climate commitment act tie public investments in infrastructure to reducing greenhouse gas emissions. Integrating manufacturing working conditions into the procurement process reaffirms and is consistent with the state's commitment to a fair transition.

(6) A robust state and domestic supply of low carbon materials is critical for building a fair economy and meeting the needs of the low carbon transition, including securing the clean energy supply chain.

(7) Environmental product declarations are the best available tool for reporting product-specific environmental impacts using a life-cycle assessment and informing the procurement of low carbon building materials. Environmental product declarations cannot be used to compare products across different product categories or different functional units.

(8) The buy clean and buy fair policies established in this act are critical to reduce embodied carbon in the built environment, a goal identified by the Washington state 2021 energy strategy to meet the state's greenhouse gas emission limits, governor Inslee's Executive Order 20-01 on state efficiency and environmental performance, and the Pacific coast collaborative's pathbreaking low carbon construction task force.

(9) Reducing embodied carbon in the built environment requires a holistic, comprehensive approach that includes designing buildings with a lower-embodied carbon footprint and making lower carbon products. Policies like the buy clean and buy fair policies established in this act are an important tool for increasing the manufacture of lower carbon products.

(10) The 2021-2023 biennium budgets made critical progress on the buy clean and buy fair policies in this act by funding the creation of a publicly accessible database to facilitate reporting and promote transparency on building materials purchased for state-funded infrastructure projects and two large buy clean and buy fair pilot projects. This ongoing work to create a

database to facilitate reporting of environmental impacts and labor conditions from pilot projects has provided a strong foundation to inform future work on buy clean and buy fair policies.

(11) Providing financial assistance to small manufacturers to support the production of environmental product declarations will help small manufacturers offset costs they might incur when pursuing state contracting as a result of the requirements of this act.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual production facilities" means the final manufacturing facility and the facilities at which production processes occur that contribute to 70 percent or more of the product's cradle-to-gate global warming potential, as reflected in the environmental product declaration.

(2) "Awarding authority" means:

(a) Institutions of higher education as defined in RCW 28B.92.030;

(b) The department of enterprise services, the department of natural resources, the state parks and recreation commission, the department of fish and wildlife, and the department of transportation; and

(c) Any other state government agency that receives funding from the omnibus capital appropriations act for a public works project contracted directly by the state agency.

(3) "Covered product" includes:

(a) Structural concrete products, including ready mix, shotcrete, precast, and concrete masonry units;

(b) Reinforcing steel products, specifically rebar and posttensioning tendons;

(c) Structural steel products, specifically hot rolled sections, hollow sections, metal deck, and plate; and

(d)(i) Engineered wood products, such as cross-laminated timber per ANSI form no. PRG 320, glulam beams, laminated veneer lumber, parallel strand lumber, dowel laminated timber, nail laminated timber, glulam laminated timber, prefabricated wood joists per ASTM D5055, wood structural panel per product standard 1 or product standard 2, solid sawn lumber per product standard 20, structural composite lumber per ASTM D5456, and structural sawn lumber.

(ii) For the purposes of this subsection

(3)(d):

(A) "ANSI" means the American national standards institute.

(B) "ASTM" means the American society for testing and materials.

(C) "Product standard" means a voluntary product standard published by the United States department of commerce national institute of standards and technology.

(4) "Covered project" means:

(a) A construction project larger than 50,000 gross square feet as defined in the Washington state building code, chapter 51-50 WAC; or

(b) A building renovation project where the cost is greater than 50 percent of the assessed value and the project is larger than 50,000 gross square feet of occupied or conditioned space as defined in the Washington state building code, chapter 51-50 WAC.

(5) "Department" means the department of commerce.

(6) "Employee" means any individual who is in an employment relationship with the organization.

(7)(a) "Environmental product declaration" means a type III environmental product declaration, as defined by the international organization for standardization standard 14025 or similarly robust life-cycle assessment methods that have uniform standards in data collection consistent with the international organization for standardization standard 14025, industry acceptance, and integrity. To the extent feasible, the environmental product declaration must be supply chain specific.

(b) For the purposes of this subsection, "supply chain specific" means an environmental product declaration that includes supply chain specific data for production processes that contribute 70 percent or more of a product's cradle-to-gate global warming potential, as defined in international organization for standardization standard 21930, and reports the overall percentage of supply chain specific data included.

(8) "Full time" means an employee in a position that:

(a) The employer intends to be filled for at least 52 consecutive weeks or 12 consecutive months, excluding any leaves of absence; and

(b) Requires the employee to work, excluding overtime hours, 35 hours per week for 52 consecutive weeks, 455 hours a quarter, or 1,820 hours during a period of 12 consecutive months.

(9) "Health product declaration" means a supply chain specific health product declaration, as defined by the health product declaration open standard maintained by the health product declaration collaborative, that has robust methods for product manufacturers and their ingredient suppliers to uniformly report and disclose information about product contents and associated health information.

(10) "Part time" means an employee in a position that:

(a) The employer intends to be filled for at least 52 consecutive weeks or 12 consecutive months, excluding any leaves of absence; and

(b) Working hours are less than those required for a full-time employee, as defined in this section.

(11) "Product and facility specific report" means an environmental product declaration whereby the environmental impacts can be attributed to a single manufacturer and a specific manufacturing or production facility.

(12)(a) "Scope 2 greenhouse gas emissions" are indirect greenhouse gas emissions associated with the purchase of electricity, steam, heat, or cooling.

(b) For purposes of this section, "greenhouse gas" has the same meaning as in RCW 70A.45.010.

(13) "Supplier code of conduct" means a policy created by a manufacturer that outlines steps taken to ensure that its suppliers adhere to ethical practices, such as compliance with child and forced labor laws, antidiscrimination practices, freedom of association, and safe workplace conditions.

(14) "Temporary" means an employee in a position that is intended to be filled for a period of less than 52 consecutive weeks or 12 consecutive months. Positions in seasonal employment are temporary positions.

(15) "Total case incident rate" means the number of work-related injuries per 100 full-time workers during a one-year period, as defined by the occupational safety and health administration. Total case incident rate is calculated by multiplying the number of occupational safety and health administration recordable injuries and illnesses by 200,000 and dividing by number of hours worked by all employees.

(16) "Working conditions" means the average number of employees by employment type: Full time, part time, and temporary.

**NEW SECTION. Sec. 3.** (1)(a) Beginning July 1, 2024, an awarding authority must require in all newly executed construction contracts that the selected firm for a construction contract for a covered project larger than 100,000 gross square feet submit the following data for each covered product used before substantial completion:

- (i) Product quantity;
- (ii) A current environmental product declaration;
- (iii) Health product declaration, if any, completed for the product;
- (iv) Manufacturer name and location, including state or province and country;
- (v) Supplier code of conduct, if any; and
- (vi) Office of minority and women-owned business enterprises certification, if any.

(b) Beginning July 1, 2026, an awarding authority must require in all newly executed construction contracts that the selected firm for a construction contract for a covered project submit the data required by (a) of this subsection for each covered product used before substantial completion.

(c) The selected firm for a contract for a covered project shall provide the data required by this subsection for at least 90 percent of the cost of each of the covered products used in the project.

(2) The selected firm for a contract for a covered project is required to collect and submit from product suppliers the information required in subsection (1)(a) (ii) through (vi) of this section. The selected firm is not required to verify the information received from product suppliers.

(3)(a) Beginning July 1, 2024, an awarding authority must require in all newly executed construction contracts that the selected firm for a construction contract for a covered project larger than 100,000 gross square feet to ask their suppliers to report for each covered product used before substantial completion:

(i) Names and locations, including state or province and country, of the actual production facilities; and

(ii) Working conditions at the actual production facilities for all employees, full-time employees, part-time employees, and temporary employees. In cases in which the supplier does not have this information, the selected firm for a contract for a covered project must ask suppliers to provide a report on steps taken to reasonably obtain the data and provide suppliers' self-reports to the awarding authority.

(b) Beginning July 1, 2026, an awarding authority must require in all newly executed construction contracts that the successful bidder for a construction contract for a covered project to meet the requirements of (a) of this subsection for each covered product used before substantial completion.

(c) The selected firm is not required to verify the information reported by product suppliers pursuant to this subsection.

(d) The selected firm for a contract for a covered project shall meet the requirement in (a) of this subsection for at least 90 percent of the cost of each of the covered products used in the project.

(4) If a supply chain specific environmental product declaration is not available, a product and facility specific report may be submitted.

(5) This section does not apply to a covered product for a particular covered project if the awarding authority determines, upon written justification provided to the department, that the requirements in this section would cause a significant delay in completion, significant increase in overall project cost, or result in only one product supplier being able to provide the covered product.

(6) An awarding authority must include the information and reporting requirements in this section in a specification for bids for a covered project.

(7) Subject to funds appropriated for this specific purpose, the department may provide financial assistance to small businesses, as defined in RCW 19.85.020, to help offset the costs to the small business of producing an environmental product declaration required under this section. Such financial assistance supports the production of environmental product declarations and achievement of reductions of embodied carbon in the built environment while ensuring that small manufacturers are not put at a competitive disadvantage in state contracting as a result of the requirements of this chapter.

(8) Compliance with the requirements in this section may not be used as a basis for a waiver from apprenticeship utilization requirements in any other statute, rule, regulation, or law.

**NEW SECTION. Sec. 4.** By July 1, 2024, and to the extent practicable, specifications for a bid or proposal for a project contract by an awarding authority may only include performance-based specifications for concrete used as a structural material. Awarding authorities

may continue to use prescriptive specifications on structural elements to support special designs and emerging technology implementation.

**NEW SECTION. Sec. 5.** (1) The department must continue to develop and maintain the publicly accessible database funded by the 2021-2023 omnibus operating appropriations act and created by the department in conjunction with the University of Washington college of built environments for selected firms for contracts for covered projects to submit the data required in section 3 of this act to the department and to promote transparency.

(2) The database maintained pursuant to subsection (1) of this section must publish global warming potential as reported in the environmental product declarations.

(3) By July 1, 2024, the department must:

(a) Further elaborate covered product definitions using applicable material industry standards;

(b) Develop measurement and reporting standards to ensure that data is consistent and comparable, including standards for reporting product quantities;

(c) Create model language for specifications, bid documents, and contracts to support the implementation of section 3 of this act; and

(d) Produce an educational brief that:

(i) Provides an overview of embodied carbon;

(ii) Describes the appropriate use of environmental product declarations, including the necessary preconditions for environmental product declarations to be comparable;

(iii) Outlines reporting standards, including covered product definitions, standards for reporting product quantities, and working conditions;

(iv) Describes the data collection and reporting process for all information required in section 3 (1)(a) and (3)(a) of this act;

(v) Provides instructions for the use of the database; and

(vi) Lists applicable product category rules for covered products.

(4) The department may contract for the use of nationally or internationally recognized databases of environmental product declarations for purposes of implementing this section.

**NEW SECTION. Sec. 6.** (1) By December 1, 2023, the department must convene a technical work group that includes the following representatives:

(a) One industry professional in design, one industry professional in structural design, one industry professional in specification, and one industry professional in construction who are recommended by leading associations of Washington business;

(b) One representative each from Washington manufacturers of:

(i) Steel;

(ii) Wood; and

(iii) Concrete;

(c) A representative from the department of enterprise services;

(d) A representative from the department of transportation;

(e) A representative from the department of ecology;

(f) One representative each from three environmental groups that focus on embodied carbon and climate change;

(g) A representative from a labor union that represents manufacturing workers;

(h) A representative from the minority and women-owned business community;

(i) A representative from the University of Washington college of built environments; and

(j) Representatives of other agencies and independent experts as necessary to meet the objectives of the work group as described in this section.

(2) The purpose of the technical work group is to identify opportunities for and barriers to growth of the use and production of low carbon materials, promote high labor standards in manufacturing, and preserve and expand low carbon materials manufacturing in Washington.

(3) By September 1, 2024, the technical work group must submit a report to the legislature and the governor that includes:

(a) A low carbon materials manufacturing plan that recommends policies to preserve and grow the in-state manufacturing of low carbon materials and accelerate industrial decarbonization. For this plan, the technical work group must:

(i) Examine barriers and opportunities to maintain and grow a robust in-state supply of low carbon building materials including, but not limited to, state and domestic supply of raw materials and other supply chain challenges, regulatory barriers, competitiveness of local and domestic manufacturers, cost, and data availability from local, state, national, and foreign product suppliers; and

(ii) Identify opportunities to encourage the continued conversion to lower carbon cements, including the use of performance-based specifications and allowing Type 1-L cement in specifications for public projects;

(b) Recommendations for consistent treatment in the reporting for covered products; and

(c) Consideration of how product life-cycle assessments conducted by project designers could be incorporated into future reporting.

(4)(a) By September 1, 2025, the technical work group must submit a report on policy recommendations, including any statutory changes needed, to the legislature and the governor. The report must consider policies to expand the use and production of low carbon materials and to preserve and expand low carbon materials manufacturing in Washington, including opportunities to encourage continued conversion to lower carbon blended cements in public projects.

(b) For this report, the technical work group must:

(i) Summarize data collected pursuant to section 3 of this act, the case study analysis funded by the 2021-2023 omnibus operating appropriations act, and the pilot projects funded by the 2021-2023 omnibus capital appropriations act. The summary must



include product quantities, global warming potential, health product declarations, supplier codes of conduct, and any obstacles to the implementation of this chapter;

(ii) Evaluate options for collecting reported working condition information from product suppliers, including hourly wages, employee benefits, and total case incident rates;

(iii) Make recommendations for improving environmental production declaration data quality including, but not limited to, integrating reporting on variability in facility, product, and upstream data for key processes;

(iv) Make recommendations for consideration of scope 2 greenhouse gas emissions mitigation through green power purchases, such as energy attribute certificates and power purchase agreements;

(v) Identify barriers and opportunities to the effective use of the database maintained under section 5 of this act and the data collected pursuant to this chapter;

(vi) Identify emerging and foreseeable trends in local, state, federal, and private policy on embodied carbon and the procurement and use of low carbon materials and opportunities to promote consistency across public and private embodied carbon and low carbon materials policies, rules, and regulations; and

(vii) Recommend approaches to designing lower embodied carbon state building projects.

(5) This section expires January 1, 2027.

**Sec. 7.** RCW 43.88.0301 and 2021 c 54 s 4 are each amended to read as follows:

(1) The office of financial management must include in its capital budget instructions (~~(, beginning with its instructions for the 2003-05 capital budget,)~~) a request for "yes" or "no" answers for the following additional informational questions from capital budget applicants for all proposed major capital construction projects valued over ~~((\$10 million dollars))~~ \$10,000,000 and required to complete a predesign:

(a) For proposed capital projects identified in this subsection that are located in or serving city or county planning under RCW 36.70A.040:

(i) Whether the proposed capital project is identified in the host city or county comprehensive plan, including the capital facility plan, and implementing rules adopted under chapter 36.70A RCW;

(ii) Whether the proposed capital project is located within an adopted urban growth area:

(A) If at all located within an adopted urban growth area boundary, whether a project facilitates, accommodates, or attracts planned population and employment growth;

(B) If at all located outside an urban growth area boundary, whether the proposed capital project may create pressures for additional development;

(b) For proposed capital projects identified in this subsection that are requesting state funding:

(i) Whether there was regional coordination during project development;

(ii) Whether local and additional funds were leveraged;

(iii) Whether environmental outcomes and the reduction of adverse environmental impacts were examined.

(2) For projects subject to subsection (1) of this section, the office of financial management shall request the required information be provided during the predesign process of major capital construction projects to reduce long-term costs and increase process efficiency.

(3) The office of financial management, in fulfilling its duties under RCW 43.88.030(6) to create a capital budget document, must take into account information gathered under subsections (1) and (2) of this section in an effort to promote state capital facility expenditures that minimize unplanned or uncoordinated infrastructure and development costs, support economic and quality of life benefits for existing communities, and support local government planning efforts.

(4) The office of community development must provide staff support to the office of financial management and affected capital budget applicants to help collect data required by subsections (1) and (2) of this section.

(5) The office of financial management must include in its capital budget instructions, beginning with the instructions for the 2025-2027 biennium, information informing awarding authorities, as defined in section 2 of this act, of the requirements of chapter 39.--- RCW (the new chapter created in section 9 of this act), including the data and information requirements in section 3 of this act.

NEW SECTION. **Sec. 8.** This act may be known and cited as the buy clean and buy fair Washington act.

NEW SECTION. **Sec. 9.** Sections 2 through 6 of this act constitute a new chapter in Title 39 RCW.

NEW SECTION. **Sec. 10.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Duerr and Steele spoke in favor of the adoption of the striking amendment.

The striking amendment (376) 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 Duerr and Steele spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1282.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1282, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1282, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1044, by Representatives McEntire, Graham, Couture, Sandlin, Walsh, Rude, Caldier and Santos**

**Providing capital financial assistance to small school districts with demonstrated funding challenges.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1044 was substituted for House Bill No. 1044 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1044 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 McEntire and Tharinger spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1044.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1044, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier,

Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Hansen

SUBSTITUTE HOUSE BILL NO. 1044, having received the necessary constitutional majority, was declared passed.

### RECONSIDERATION

There being no objection, the House reconsidered the vote by which HOUSE BILL NO. 1317 passed the House.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1317, on reconsideration, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representative Hansen

HOUSE BILL NO. 1317, on reconsideration, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1332, by Representatives Lekanoff, Berry, Ramel, Rude, Reed, Donaghy, Pollet and Macri**

**Supporting public school instruction in tribal sovereignty and federally recognized Indian tribes.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1332 was substituted for House Bill No. 1332 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1332 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 Lekanoff, Rude, Eslick and Wilcox spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1332.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1332, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan,

Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Hansen

SECOND SUBSTITUTE HOUSE BILL NO. 1332, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1838, by Representatives Fey, Barkis, Berg and Ortiz-Self**

**Transferring the responsibilities for the transportation revenue forecast for the transportation budget to the economic and revenue forecast council.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1838 was substituted for House Bill No. 1838 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1838 was read the second time.

Representative Ormsby moved the adoption of amendment (158):

On page 2, at the beginning of line 32, strike "eight" and insert "nine"

On page 3, line 4, after "least" strike "five" and insert "~~(five)~~ seven"

On page 3, line 17, after "least" strike "five" and insert "~~(five)~~ seven"

Representatives Ormsby and Orcutt spoke in favor of the adoption of the amendment.

Amendment (158) 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 Fey and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1838.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1838, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier,

Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1838, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1700, by Representatives Kretz, Chapman, Dent, Barnard, Ormsby and Timmons**

**Establishing a memorial on the capitol campus to commemorate eastern Washington.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1700 was substituted for House Bill No. 1700 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1700 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 Kretz and Ramos spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1700.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1700, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker  
Excused: Representative Hansen

SUBSTITUTE HOUSE BILL NO. 1700, having received the necessary constitutional majority, was declared passed.

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

**MOTION**

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

HOUSE BILL NO. 1235  
HOUSE BILL NO. 1241  
HOUSE BILL NO. 1493  
HOUSE BILL NO. 1730  
HOUSE BILL NO. 1791

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

**SECOND READING**

**HOUSE BILL NO. 1791, by Representatives Fey, Dent, Morgan, Barkis, Mena, Couture, Griffey, Bronoske, Ybarra, Christian, Timmons, Donaghy, Berg and Doglio**

**Studying the need for increased commercial aviation services.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1791 was substituted for House Bill No. 1791 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1791 was read the second time.

With the consent of the House, amendment (400) was withdrawn.

Representative Orwall moved the adoption of amendment (174):

On page 1, beginning on line 18, after "for" strike "large impacts on the surrounding communities; and" and insert "environmental, health, social, and economic impacts on the surrounding communities, and the legislature recognizes any preferred location will require substantial environmental, land use, governance, and funding decisions from federal, state, and local governments;"

On page 1, line 21, after "operations" insert "; the Puget Sound regional council May 2021 regional aviation baseline study final report estimates that by 2050 capacity restrictions in the central Puget Sound will create a gap between the demand for aviation activities and the capacity for those activities; and

(f) The exploration of alternatives to Seattle-Tacoma international airport is critical to address this anticipated demand through a variety of transportation strategies that may include the creation or expansion of other airports"

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

Amendment (174) 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 Fey and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1791.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1791, and the bill passed the House by the following vote: Yeas, 88; Nays, 9; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan,

Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Christian, Couture, Griffey, McEntire, Orcutt, Robertson, Stokesbary and Walsh  
Excused: Representative Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1791, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1112, by Representatives Harris, Santos, Ramel, Fitzgibbon, Kloba and Donaghy**

**Imposing criminal penalties for negligent driving involving the death of a vulnerable user victim.**

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1112.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1112, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Barkis, Barnard, Berg, Bergquist, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Christian, Connors, Corry, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Maycumber, McClintock, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Thai, Tharinger, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Alvarado, Bateman, Berry, Chopp, Cortes, Gregerson, Macri, Mena, Reed, Taylor and Timmons

Excused: Representative Hansen

HOUSE BILL NO. 1112, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1493, by Representative Goodman**

**Concerning impaired driving.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1493 was substituted for House Bill No. 1493 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1493 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 Goodman and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1493.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1493, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Hansen

SUBSTITUTE HOUSE BILL NO. 1493, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1241, by Representatives Leavitt, Reeves, Reed, Morgan and Bronoske**

#### Addressing harassment.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1241 was substituted for House Bill No. 1241 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1241 was read the second time.

Representative Graham moved the adoption of amendment (066):

On page 2, line 23, after "(3)" insert "Legally protected speech, such as gathering or demonstrating in front of an election facility, or observing ballot submittal or ballot counting, does not under any circumstances constitute harassment.

(4)"

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

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

Representative Goodman spoke against the adoption of the amendment.

Amendment (066) 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 Leavitt and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1241.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1241, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Graham, McEntire, Orcutt, Schmidt, Volz and Walsh

Excused: Representative Hansen

SUBSTITUTE HOUSE BILL NO. 1241, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1730, by Representatives Waters, Stonier, Klicker, Low, Couture, Chambers, Ybarra, Barnard, Schmidt, Street, McClintock, Walen, Hutchins, Caldier and Cheney**

**Allowing people 18 years of age or older to work in certain 21 year and older establishments.**

The bill was read the second time.

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

Representatives Waters and Kloba spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1730.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1730, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Couture, Dent, Doglio, Donaghy, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Reeves, Riccelli, Robertson, Rude, Rule, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Berry, Cortes, Davis, Duerr, Dye, Entenman, Goodman, Leavitt, Mena, Morgan, Pollet, Reed and Ryu

Excused: Representative Hansen

HOUSE BILL NO. 1730, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1235, by Representatives Chapman, Kretz, Tharinger and Lekanoff**

**Modifying miscellaneous provisions impacting department of fish and wildlife licensing requirements.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1235 was substituted for House Bill No. 1235 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1235 was read the second time.

Representative Lekanoff moved the adoption of amendment (485):

On page 14, line 13, after "impaired;" strike "and" and insert "((and))"

On page 14, line 16, after "state" insert "; and

(f) A resident who is a member of a federally recognized Indian tribe entitled to sales tax exemptions when purchasing hunting, fishing, and gathering gear for ceremonial and subsistence purposes"

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

Amendment (485) 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 Chapman and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1235.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1235, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1235, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1562, by Representatives Thai, Lekanoff, Taylor, Berry, Ryu, Reed, Kloba, Entenman, Walen, Doglio, Davis, Wylie, Ramel, Ormsby, Pollet and Duerr**

**Reducing the risks of lethality and other harm associated with gun violence, gender-based violence, and other types of violence.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1562 was substituted for House Bill No. 1562 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1562 was read the second time.

Representative Cheney moved the adoption of amendment (487):

On page 13, line 2, after "RCW 9.41.270;" insert "or"

On page 13, beginning on line 3, after "16.52.207(1);" strike all material through "46.61.5055;" on line 5

On page 17, line 21, after "16.52.207(1);" insert "or"

On page 17, beginning on line 22, after "(I)" strike all material through "(J)" on line 23

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

Representative Farivar spoke against the adoption of the amendment.

Amendment (487) was not adopted.

Representative Cheney moved the adoption of amendment (486):

On page 15, line 1, after "(4)" strike "~~((a))~~" and insert "(a)"

On page 15, beginning on line 10, after "insanity." strike all material through "~~resides-)~~" on page 16, line 2 and insert "Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least 20 years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii)(A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the

possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides."

On page 16, beginning on line 28, strike all of subsection (8)

On page 16, beginning on line 30, strike all of sections 4 and 5

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

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

Representative Walen spoke against the adoption of the amendment.

Amendment (486) 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.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1562.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1562, and the bill passed the House by the following vote: Yeas, 51; Nays, 46; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Bronoske, Calder, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers,

Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Hansen

SUBSTITUTE HOUSE BILL NO. 1562, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1766, by Representatives Griffey, Davis, Senn, Dent, Callan and Cheney**

**Creation of a hope card program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1766 was substituted for House Bill No. 1766 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1766 was read the second time.

Representative Griffey moved the adoption of amendment (271):

On page 2, line 23, after "administrators," strike "and"

On page 2, line 24, after "association," insert "and the Washington association of sheriffs and police chiefs,"

On page 2, line 27, after "licensing." insert "The administrative office of the courts, together with the organizations and stakeholder groups specified in this subsection, shall explore the feasibility of providing information required in subsection (2) of this section in electronic format, including, but not limited to, a laminated card with a barcode."

On page 3, line 2, after "the" insert "clerk of the"

Representatives Griffey and Davis spoke in favor of the adoption of the amendment.

Amendment (271) 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 Griffey and Davis spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1766.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1766, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson,

Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1766, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1243, by Representatives Dent, Riccelli, Christian and Eslick**

**Concerning municipal airport commissions.**

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1243.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1243, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Hansen

HOUSE BILL NO. 1243, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1498, by Representatives Dye, Dent, Christian, Schmidt, Eslick, Graham and Volz**

**Concerning aviation assurance funding in response to wildland fires.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1498 was substituted for House Bill No. 1498 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1498 was read the second time.

Representative Dent moved the adoption of amendment (187):

On page 3, line 18, after "department" strike "may" and insert "must"

On page 3, line 22, after "department" strike "may" and insert "must"

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

Amendment (187) 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 Dye, Chapman and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1498.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1498, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Hansen

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1498, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

#### POINT OF PERSONAL PRIVILEGE

Representative Wylie informed the members of the passing of Jim Moeller, former Speaker Pro Tempore of the House.

#### SECOND READING

**HOUSE BILL NO. 1240, by Representatives Peterson, Senn, Alvarado, Walen, Street, Springer, Simmons, Reeves, Reed, Ormsby, Kloba, Fitzgibbon, Duerr, Doglio, Berry, Bateman, Fey, Davis, Ramel, Bergquist, Fosse, Pollet, Lekanoff, Macri, Gregerson and Santos**

**Establishing firearms-related safety measures to increase public safety.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1240 was substituted for House Bill No. 1240 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1240 was read the second time.

With the consent of the House, amendments (007), (365), (366) and (369) were withdrawn.



Representative Corry moved the adoption of amendment (468):

On page 14, line 11, after "nonresidents;" strike "or"

On page 14, line 23, after "weapon" insert "; or

(e) The distribution, offer for sale, or sale of an assault weapon, within 90 days of the effective date of this section, by a dealer that is properly licensed under federal and state law, for the purpose of liquidating the dealer's existing inventory of assault weapons consisting of either (i) assault weapons in the dealer's possession, custody, or control prior to the effective date of this section, or (ii) assault weapons ordered or purchased by the dealer prior to the effective date of this section"

### POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (468) to SUBSTITUTE HOUSE BILL NO. 1240.

### SPEAKER'S RULING

"The title of the bill is an act relating to establishing firearms-related safety measures to increase public safety by prohibiting the manufacture, importation, distribution, selling, and offering for sale of assault weapons, and by providing limited exemptions applicable to armed forces branches and law enforcement agencies and for purposes of sale or transfer outside the state, and to inheritors.

Amendment (468) creates a new exemption to the bill by authorizing the distribution, offer for sale, or sale of an assault weapon, within 90 days of the effective date of this section, by a licensed dealer, for the purpose of liquidating the dealer's existing inventory of assault weapons consisting of either assault weapons in the dealer's possession, custody, or control prior to the effective date, or assault weapons ordered or purchased by the dealer prior to the effective date.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

Representative Low moved the adoption of amendment (370):

On page 15, after line 19, insert the following:

"NEW SECTION. **Sec. 6.** This act shall be narrowly and strictly construed to comply with Article I, section 24 of the Washington Constitution."

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

Representatives Low and Barnard spoke in favor of the adoption of the amendment.

Representative Hackney spoke against the adoption of the amendment.

Amendment (370) was not adopted.

Representative Walsh moved the adoption of amendment (371):

On page 15, beginning on line 20, after "**Sec. 6.**" strike the remainder of the section and insert "(1) This act takes effect on the date that the federal court of appeals for the ninth circuit issues an opinion that interprets and applies the "historical tradition of firearm regulation" test, established by the United States supreme court in N.Y. State Rifle & Pistol Ass'n v. Bruen, 142 S. Ct. 2111 (2022), to a firearm law or regulation.

(2) The attorney general's office must provide written notice of the effective date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the attorney general's office."

Correct the title.

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

Representative Senn spoke against the adoption of the amendment.

Amendment (371) was not adopted.

Representative Griffey moved the adoption of amendment (354):

On page 1, beginning on line 12, strike all of section 1

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

Representatives Griffey, Connors and Abbarno spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (354) was not adopted.

Representative McEntire moved the adoption of amendment (363):

On page 1, beginning on line 14, after "Washingtonians." strike all material through "weapon." on page 2, line 5

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

Representative Berry spoke against the adoption of the amendment.

Amendment (363) was not adopted.

Representative Jacobsen moved the adoption of amendment (355):

On page 2, beginning on line 9, after "occur." strike all material through "shooter." on line 20

Representatives Jacobsen, Barkis, Dye, Orcutt, Maycumber, Walsh and Graham spoke in favor of the adoption of the amendment.

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

Amendment (355) was not adopted.

Representative Hutchins moved the adoption of amendment (368):

On page 2, beginning on line 36, strike all of subsection (i)

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

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

Representative Hackney spoke against the adoption of the amendment.

Amendment (368) was not adopted.

Representative Sandlin moved the adoption of amendment (359):

On page 5, beginning on line 1, strike all of subsection (iii)

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

Representatives Sandlin, Schmick and Walsh spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (359) was not adopted.

Representative Ybarra moved the adoption of amendment (361):

On page 5, beginning on line 28, strike all of subsection (vi)

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

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

Representative Hackney spoke against the adoption of the amendment.

Amendment (361) was not adopted.

Representative Christian moved the adoption of amendment (367):

On page 5, beginning on line 38, strike all of subsection (vii)

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

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

Representative Peterson spoke against the adoption of the amendment.

Amendment (367) was not adopted.

Representative Chambers moved the adoption of amendment (362):

On page 14, line 29, after "of a" strike "gross"

Representatives Chambers, Abbarno, Caldier and Walsh spoke in favor of the adoption of the amendment.

Representative Peterson spoke against the adoption of the amendment.

Amendment (362) was not adopted.

Representative Walsh moved the adoption of amendment (364):

On page 14, beginning on line 31, strike all of section 4

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

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

Representative Hackney spoke against the adoption of the amendment.

Amendment (364) was not adopted.

Representative McEntire moved the adoption of amendment (350):

On page 15, beginning on line 20, strike all of section 6

Correct the title.

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

Representative Berry spoke against the adoption of the amendment.

Amendment (350) 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 Peterson, Farivar, Berry, Stonier, Hackney and Senn spoke in favor of the passage of the bill.

Representatives Walsh, Couture, Chambers, Caldier, Graham, Corry, Jacobsen, McEntire, Dye, Orcutt, Mosbrucker, Dent, Eslick, Christian, Abbarno and Maycumber spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1240.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1240, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street,

Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Hansen

SUBSTITUTE HOUSE BILL NO. 1240, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Thursday, March 9, 2023, the 60th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SIXTIETH DAY

House Chamber, Olympia, Thursday, March 9, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding).

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4625**, by Representatives Wilcox and Lekanoff

WHEREAS, Billy Frank Jr. was born March 9, 1931, to Willie Sr. and Angeline Frank. Frank Jr., a member of the Nisqually Tribe, grew up on six acres along the banks of the Nisqually River in Thurston County. Known as Frank's Landing, the property was purchased by Willie Frank after development of the Fort Lewis Army Base in 1917 drove the Nisqually people from their reservation; and

WHEREAS, Frank's formal education ended after he completed the ninth grade in Olympia, after which he worked in construction by day and fishing by night; and

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

WHEREAS, Frank's father, Willie, and his predecessors, lived in a time of abundance, with strong salmon runs and plentiful clams, oysters, geoducks, wild berries, and camas roots. Frank was raised in the tradition of his ancestors, with stories of the land, the river, the salmon runs, and the art of preserving fish; and

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

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

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

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

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

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

WHEREAS, Following the Boldt decision, Frank's leadership, humility, and dedication to consensus-building cut through initial, blatant disregard of the decision by state and local authorities and

citizens and the resulting hardship and anger that caused among the tribes; and

WHEREAS, Billy Frank Jr. resisted bitterness and confronted injustice in ways that built strength by bringing diverse groups of people with conflicting interests together; and

WHEREAS, At a time when he possessed the power to impose outcomes favoring one group at the expense of others, he remained steadfast in the fair and impartial defense of the rights of all landowners and natural resources businesses along the Nisqually River, earning the lasting goodwill of landowners in the Nisqually basin; and

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

WHEREAS, In March 2011, in honor of Frank's 80th birthday, the Billy Frank Jr. Salmon Forever Fund was established by Salmon Defense, "to honor and create permanence and action to the vision and work of Billy Frank Jr.;" and

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

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

WHEREAS, In memory of what would have been Frank's 92nd birthday, we honor his vision to "tell your story, tell the truth, and stay the course" in the pursuit of community resilience and environmental stewardship. We reflect on the man known as an architect of consensus solutions. A man who brought previously contentious interest groups together, through genuine respect and endeavoring to heal wounds, and find resolution for the good of all people;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State House of Representatives, That we reflect in gratitude on Billy Frank Jr., the man who taught us that no victory can last until the opposing sides can come together in agreement; and

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

HOUSE RESOLUTION NO. 4625 was adopted.

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

## MESSAGES FROM THE SENATE

Wednesday, March 8, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5504  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5634

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, March 8, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5015  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5267  
ENGROSSED SENATE BILL NO. 5352  
ENGROSSED SENATE BILL NO. 5691

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, March 8, 2023

Mme. Speaker:

The Senate has passed:

SENATE BILL NO. 5032  
SENATE BILL NO. 5084  
SECOND SUBSTITUTE SENATE BILL NO. 5103  
SECOND SUBSTITUTE SENATE BILL NO. 5269  
SENATE BILL NO. 5340  
SENATE BILL NO. 5363  
SUBSTITUTE SENATE BILL NO. 5437  
SUBSTITUTE SENATE BILL NO. 5448  
SENATE BILL NO. 5487  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5528  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5546  
SUBSTITUTE SENATE BILL NO. 5600  
SUBSTITUTE SENATE BILL NO. 5652  
SUBSTITUTE SENATE BILL NO. 5696

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

### INTRODUCTION & FIRST READING

ESB 5022 by Senators Muzzall, Cleveland, Dhingra, Gildon, Hunt, Keiser, Kuderer, Mullet, Nobles, Van De Wege, Wilson, J. and Wilson, L.

AN ACT Relating to exempting fentanyl testing equipment from the definition of drug paraphernalia; and amending RCW 69.50.102.

Referred to Committee on Community Safety, Justice, & Reentry.

SSB 5094 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Rolfes, Hasegawa, Kuderer, Nguyen, Pedersen and Salomon)

AN ACT Relating to adding a climate resilience element to water system plans; amending RCW 70A.125.180; adding a new section to chapter 43.20 RCW; and creating a new section.

Referred to Committee on Environment & Energy.

SB 5104 by Senators Salomon, Rolfes, Lias, Nobles, Pedersen and Stanford

AN ACT Relating to surveying Puget Sound marine shoreline habitat; adding a new section to chapter 43.21A RCW; and creating a new section.

Referred to Committee on Environment & Energy.

E2SSB 5144 by Senate Committee on Ways & Means (originally sponsored by Stanford, Nguyen, Cleveland, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lovelett, Nobles, Pedersen, Rolfes, Valdez and Wilson, C.)

AN ACT Relating to providing for responsible environmental management of batteries; amending RCW 43.21B.110 and 43.21B.300; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment & Energy.

SSB 5145 by Senate Committee on Law & Justice (originally sponsored by Short, Salomon, McCune and Warnick)

AN ACT Relating to clarifying existing law regarding liability protections associated with public recreational use of lands or waters under a hydroelectric license issued by the federal energy regulatory commission; amending RCW 4.24.210; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

SB 5153 by Senators Valdez, Hunt, Nguyen and Wilson, C.

AN ACT Relating to uniform disclosure of records related to future voters and making conforming amendments related to participation of future voters in state primaries; amending RCW 29A.04.070, 29A.08.170, 29A.08.174, 29A.08.330, 29A.08.615, 29A.08.710, 29A.08.760, 29A.08.770, 29A.80.041, 46.20.155, 46.20.155, 42.56.230, 42.56.250, 29A.84.140, and 29A.84.140; reenacting and amending RCW 29A.08.720; adding a new section to chapter 29A.08 RCW; repealing RCW 29A.08.375; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

SSB 5171 by Senate Committee on Law & Justice (originally sponsored by Dhingra, Trudeau, Hunt, Lovelett, Cleveland, Keiser, Wilson, C., Hasegawa, Saldaña, Conway, Frame, Kuderer, Nguyen, Nobles, Pedersen, Stanford, Valdez and Wellman)

AN ACT Relating to consumer gender discrimination; and adding a new chapter to Title 19 RCW.

Referred to Committee on Consumer Protection & Business.

SB 5180 by Senators Hunt, Hawkins and Mullet

AN ACT Relating to the interstate teacher mobility compact; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

ESSB 5186 by Senate Committee on Labor & Commerce (originally sponsored by Lias, Billig, Dhingra, Hunt, Keiser, Lovick, Nguyen, Nobles, Stanford, Valdez, Wellman and Wilson, C.)

AN ACT Relating to requiring antidiscrimination clauses in public contracting; amending RCW 39.26.245 and 39.04.160; and adding a new section to chapter 49.60 RCW.

Referred to Committee on State Government & Tribal Relations.

SB 5228 by Senators Dhingra, Hunt, Keiser, Lovelett, Lovick, Nguyen, Valdez and Wilson, C.

AN ACT Relating to providing occupational therapy services for persons with behavioral health disorders; amending RCW 71.24.385; and creating a new section.

Referred to Committee on Health Care & Wellness.

2SSB 5263 by Senate Committee on Ways & Means (originally sponsored by Salomon, Rivers, Saldaña, Nobles, Lovick, Lovelett, Hunt, Hasegawa, Mullet, Trudeau, Robinson, Pedersen, Wellman, Muzzall, Wilson, C., Kuderer, Keiser, Liias, Van De Wege, Billig, Conway and Frame)

AN ACT Relating to access to psilocybin services by individuals 21 years of age and older; adding a new chapter to Title 18 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

SB 5283 by Senator Van De Wege

AN ACT Relating to the waiver of the fundamentals examination for professional engineer and land surveyor licensing applicants by comity; and amending RCW 18.43.100.

Referred to Committee on Consumer Protection & Business.

E2SSB 5315 by Senate Committee on Ways & Means (originally sponsored by Wilson, C., Billig, Hasegawa, Keiser, Kuderer, Nguyen, Nobles, Pedersen and Valdez)

AN ACT Relating to nonpublic agencies operating special education programs for students with disabilities; amending RCW 28A.155.090, 28A.155.060, 28A.155.210, 28A.600.485, and 28A.310.515; adding a new section to chapter 28A.155 RCW; and declaring an emergency.

Referred to Committee on Education.

SB 5316 by Senators Wilson, C., Billig and Nobles

AN ACT Relating to background check and licensing fees for programs administered by the department of children, youth, and families; amending RCW 43.43.837, 43.216.270, and 43.216.271; repealing RCW 43.216.272 and 43.216.273; repealing 2021 c 304 s 34 (uncodified); and declaring an emergency.

Referred to Committee on Human Services, Youth, & Early Learning.

2SSB 5425 by Senate Committee on Ways & Means (originally sponsored by Salomon, Keiser, Boehnke, Wilson, J. and Conway)

AN ACT Relating to fire protection sprinkler system contractors; amending RCW 18.160.030, 18.160.050, 18.160.120, 18.270.020, and 18.270.070; and adding a new section to chapter 18.160 RCW.

Referred to Committee on Labor & Workplace Standards.

2SSB 5438 by Senate Committee on Ways & Means (originally sponsored by Warnick, Boehnke, Braun, Dhingra, Van De Wege and Wilson, J.)

AN ACT Relating to facilitating supportive relationships with family and significant individuals within the behavioral health

system; adding a new section to chapter 71.24 RCW; adding a new section to chapter 72.23 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

SSB 5460 by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick and Van De Wege)

AN ACT Relating to collection of assessments for irrigation and rehabilitation districts; amending RCW 87.84.070; and creating a new section.

Referred to Committee on Local Government.

ESB 5534 by Senators Randall, Holy, Nobles and Wellman

AN ACT Relating to workforce education investment accountability and oversight board staffing changes; amending RCW 28C.18.200 and 28B.50.925; adding a new section to chapter 28B.77 RCW; and recodifying RCW 28C.18.200.

Referred to Committee on Postsecondary Education & Workforce.

SSB 5561 by Senate Committee on Law & Justice (originally sponsored by Conway, Pedersen, Lovick, Dhingra, Hasegawa, Liias, Saldaña, Valdez and Wagoner)

AN ACT Relating to extending the expiration date of the law enforcement community engagement grant project; amending RCW 43.330.545; and providing an expiration date.

Referred to Committee on Appropriations.

SSB 5589 by Senate Committee on Law & Justice (originally sponsored by Stanford)

AN ACT Relating to probate; amending RCW 11.54.010, 11.54.030, 11.54.020, 11.54.040, 11.54.050, 11.54.060, 11.76.110, and 11.76.120; adding new sections to chapter 11.54 RCW; creating a new section; recodifying RCW 11.54.030; repealing RCW 11.54.070 and 11.54.080; and providing an effective date.

Referred to Committee on Civil Rights & Judiciary.

ESB 5592 by Senators Hunt, Cleveland, Conway, Lovick, Randall, Valdez, Van De Wege and Wilson, C.

AN ACT Relating to requiring semiautomatic external defibrillators at fitness centers; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care & Wellness.

SB 5629 by Senators Conway, Dhingra, Hasegawa, Nobles and Wilson, C.

AN ACT Relating to hepatitis B and hepatitis C screening and health care services; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5649 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Braun)

AN ACT Relating to improvements to residential structures to reduce risk of flood damage; amending RCW 86.16.041; and creating a new section.

Referred to Committee on Local Government.

ESB 5650 by Senators Rolfes, Robinson, Kuderer, Nguyen, Saldaña, Valdez and Wellman

AN ACT Relating to salary inflationary increases for K-12 employees; and amending RCW 28A.400.205.

Referred to Committee on Appropriations.

SB 5683 by Senators Kauffman, Hasegawa, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Saldaña, Schoesler, Stanford, Valdez and Wilson, C.

AN ACT Relating to child-specific foster care licenses for placement of an Indian child in the custody of a federally recognized tribe or the tribe's child placing agency; and amending RCW 74.15.125.

Referred to Committee on Human Services, Youth, & Early Learning.

SSB 5714 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Wagoner and Wilson, L.)

AN ACT Relating to payments made for property taxes or special assessments by an automated check processing service; and amending RCW 84.56.020.

Referred to Committee on Local Government.

ESSB 5716 by Senate Committee on Health & Long Term Care (originally sponsored by Rivers)

AN ACT Relating to certain surveys performed on in-home services agencies; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SB 5725 by Senators Keiser, Conway, Nguyen and Valdez

AN ACT Relating to clarifying the application of the industrial welfare act and minimum wage act to airline cabin crews; amending RCW 49.46.130; reenacting and amending RCW 49.12.187; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

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 adjourned until 9:55 a.m., Friday, March 10, 2023, the 61st Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SIXTY FIRST DAY

House Chamber, Olympia, Friday, March 10, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

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

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4620**, by Representatives Chambers, Jacobsen, Robertson, Bronoske, and Barkis

WHEREAS, For over 90 years the annual Daffodil Festival has been a cherished tradition for the people of Pierce County; and

WHEREAS, The Daffodil Festival has been an anticipated event that continues to bring communities together to celebrate unity within our diverse community; and

WHEREAS, Since its inception in the 1920s as a modest garden party, it has grown into the festival that we all know and love today and this year celebrates its 90th anniversary; and

WHEREAS, Each year, 24 young women pass through a rigorous selection process to represent their schools as well as Pierce County communities through ambassadorship, community service, and civic pride; and

WHEREAS, Members of the Daffodil Festival royal court serve as role models for youth around our region. Their volunteerism, civic responsibility, and willingness to be ambassadors for Pierce County serve as a light for youth to look up to; and

WHEREAS, This year's Daffodil Festival royal court includes: Alena Haynes, Puyallup High School; Vivian Llorens Hernandez, Lakes High School; Kiana Kniest, Bonney Lake High School; Kiara Ramos-Carrillo, Sumner High School; Anna Kuepker, Orting High School; Aurora Sieverson, Curtis High School; Audrey Spencer, White River High School; Mariya Startseva, Foss IB High School; Oluebube Ndugba, Fife High School; Emma Holmes, Stadium High School; Kyona Fox-Flores, Silas High School; Hope Isom, Rogers High School; Kaitlyn Cotton, Emerald Ridge High School; Katelyn Schwanz, Franklin Pierce High School; Melony Bridgeman, Bethel High School; Hannah Kralik, Eatonville High School; Kaitlyn Nguyen, Lincoln High School; Adrianna Bhan, Clover Park High School; Carissa Milton, Graham Kapowsin High School; Sarah-Angeles Edmonson, Spanaway Lake High School; Marissa Romero, Washington High School; Breannah Bartlett, Mount Tahoma High School; Kayliana Young, Chief Leschi High School; and Melody Molina-Vazquez, Harrison Preparatory;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the many contributions made to our state by the Daffodil Festival, its organizers, and its royal court for the past 90 years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the 2023 Daffodil Festival officers and to the 24 members of the 2023 Daffodil Festival royalty.

There being no objection, HOUSE RESOLUTION NO. 4620 was adopted.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4626**, by Representatives Graham, Caldier, Abbarno, Barkis, Barnard, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Griffey, Harris, Hutchins, Jacobsen,

Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox, Ybarra, and Schmidt

WHEREAS, Survivors of crimes, regardless of the offense committed against them, often carry physical scars, injuries, disabilities, and emotional trauma as a result of surviving these attacks; and

WHEREAS, According to the united health foundation, "America's Health Rankings in 2022," for every 1,000 residents of Washington in 2020, there were 2.94 instances of violent crime in the form of murders, rapes, robberies, and aggravated assaults; and

WHEREAS, According to the Washington association of sheriffs and police chiefs in 2021, there were 325 cases of murder, 36 cases of manslaughter, 2,572 cases of rape, 17,440 cases of aggravated assault, 1,376 cases of kidnapping, 211 cases of statutory rape, 65 cases of human trafficking, and 365,122 reported incidences of crimes against property amounting to over 1.2 billion dollars of stolen property; and

WHEREAS, The national coalition against domestic violence estimates that 41.4 percent of Washington women and 31.7 percent of Washington men experience intimate partner rape, stalking, or other physical violence; and

WHEREAS, According to the United States Department of Justice report "Socio-emotional Impact of Violent Crime," victims often face nonphysical challenges, such as the possibility of trauma and posttraumatic stress or socio-emotional problems, affecting their ability to trust or function day-to-day; and

WHEREAS, The impact of all crime often affects more than just the direct victims, devastating thousands of these victims' families and friends across Washington as well; and

WHEREAS, Law-abiding citizens are deserving of justice, rights, resources, restoration, and rehabilitation; and

WHEREAS, The Washington state house of representatives recognize the importance of honoring victims regardless of the manner, size, or type of crime committed against them because of the adversity they face and the resilience they exemplify;

NOW, THEREFORE, BE IT RESOLVED, That the house of representatives recognize the plight of those affected and victimized by all types of crime, whether violent or nonviolent, and honor those victims and the survivors amongst them; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the victim support services, the office of crime victim's advocacy, and L&I's crime victim's compensation programs.

There being no objection, HOUSE RESOLUTION NO. 4626 was adopted.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2023-4623**, by Representatives McClintock and Cheney

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in every field of endeavor; and

WHEREAS, The Prairie High School Wrestling Team demonstrated focus and discipline, overcoming adversity with hard work, and demonstrating exemplary athleticism both before and during the state championship; and

WHEREAS, Faith Tarrant placed first in the girls 3A 235-pound division making her the first girls champion wrestler from Prairie High School; and



WHEREAS, Alex Ford placed first in the boys 3A 160-pound division making him the first boys champion wrestler from Prairie High School since 1987; and

WHEREAS, The wrestling team illustrated its overall excellence as Lucas Lyle placed seventh in the boys 3A 120-pound division, Kennedy Wilcox placed seventh in the girls 3A 125-pound division, and Yana Paskar placed eighth in the girls 3A 145-pound division; and

WHEREAS, Fifteen student-athletes on the Prairie High School Wrestling Team qualified for the state championship tournament;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the Prairie High School Wrestling Team on their stellar performance at the state wrestling championship, and congratulate Coach Rob Smith and the team's families, fans, and the community of Brush Prairie for this accomplishment; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Prairie High School Wrestling Team and Coach Rob Smith.

There being no objection, HOUSE RESOLUTION NO. 4623 was adopted.

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

### INTRODUCTION & FIRST READING

ESB 5015 by Senators Fortunato, Gildon, Kuderer and Valdez

AN ACT Relating to reestablishing the productivity board; amending RCW 41.60.020, 41.60.041, 41.60.050, 41.60.120, and 41.60.150; and reenacting and amending RCW 41.60.015.

Referred to Committee on State Government & Tribal Relations.

SB 5032 by Senators Padden, Lovick, Conway, Dhingra, Kuderer, Liias, Wagoner and Wilson, L.

AN ACT Relating to extending the felony driving under the influence lookback to 15 years while providing additional treatment options through the creation of a drug offender sentencing alternative for driving under the influence; amending RCW 9.94A.030, 9.94A.190, 9.94A.501, 9.94A.505, 9.94A.525, 9.94A.633, 9.94A.6332, 9.94A.660, 9.94A.701, 46.61.502, 46.61.5055, and 46.61.504; adding a new section to chapter 9.94A RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Community Safety, Justice, & Reentry.

2SSB 5048 by Senate Committee on Ways & Means (originally sponsored by Mullet, Rolfes, Billig, Hasegawa, Hawkins, Holy, Liias, Nguyen, Pedersen, Valdez, Wagoner, Warnick, Wellman and Wilson, C.)

AN ACT Relating to eliminating college in the high school fees; amending RCW 28A.600.287 and 28B.76.730; adding a new section to chapter 28B.10 RCW; and repealing RCW 28A.600.290.

Referred to Committee on Postsecondary Education & Workforce.

SB 5084 by Senators Braun, Keiser and Mullet

AN ACT Relating to creating a separate fund for the purposes of self-insured pensions and assessments; amending RCW 43.84.092, 43.84.092, 51.16.120, 51.32.242, 51.44.070, 51.44.073, 51.44.080, 51.44.100, 51.44.115, 51.44.140, 51.44.142, and 51.44.160; adding a new section to chapter

51.44 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

2SSB 5103 by Senate Committee on Ways & Means (originally sponsored by Muzzall, Cleveland and Rivers)

AN ACT Relating to payment to acute care hospitals for difficult to discharge medicaid patients who do not need acute care but who are waiting in the hospital to be appropriately and timely discharged to postacute and community settings; and amending RCW 74.09.520.

Referred to Committee on Health Care & Wellness.

ESB 5175 by Senators Wellman, Mullet, Hunt and Wilson, C.

AN ACT Relating to written contracts between school boards and principals; and amending RCW 28A.405.210 and 28A.400.300.

Referred to Committee on Education.

ESSB 5267 by Senate Committee on Labor & Commerce (originally sponsored by Kuderer, Stanford, Conway, Frame, Hasegawa, Hunt, Keiser, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Saldaña, Shewmake, Trudeau, Wellman and Wilson, C.)

AN ACT Relating to safeguarding the public safety by protecting railroad workers; adding a new chapter to Title 49 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

2SSB 5269 by Senate Committee on Ways & Means (originally sponsored by Shewmake, Keiser, Nguyen, Randall, Valdez and Wellman)

AN ACT Relating to transforming and growing Washington state manufacturing; adding a new section to chapter 43.330 RCW; and creating new sections.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

SB 5274 by Senators Valdez, Dhingra, Keiser, Kuderer, Liias, Nguyen, Nobles, Saldaña, Stanford, Wellman and Wilson, C.

AN ACT Relating to expanding eligibility in certain public employment positions for lawful permanent residents; amending RCW 36.27.040, 41.08.070, 41.12.070, 41.14.100, and 77.15.075; and adding a new section to chapter 10.93 RCW.

Referred to Committee on Community Safety, Justice, & Reentry.

SSB 5304 by Senate Committee on Human Services (originally sponsored by Saldaña, Nguyen, Nobles, Valdez and Wilson, C.)

AN ACT Relating to testing individuals who provide language access to state services; amending RCW 74.04.025; creating new sections; and providing an expiration date.

Referred to Committee on Human Services, Youth, & Early Learning.

SB 5340 by Senator King

AN ACT Relating to limits on the sale and possession of retail cannabis products; and amending RCW 69.50.360 and 69.50.4013.

Referred to Committee on Regulated Substances & Gaming.

ESB 5352 by Senators Lovick, MacEwen, Cleveland, Conway, Gildon, Holy, Hunt, Mullet, Rolfes, Salomon, Short, Torres, Van De Wege, Warnick and Wilson, L.

AN ACT Relating to vehicular pursuits; and amending RCW 10.116.060.

Referred to Committee on Community Safety, Justice, & Reentry.

SB 5363 by Senators MacEwen and Stanford

AN ACT Relating to cannabis retailer advertising; and amending RCW 69.50.369.

Referred to Committee on Regulated Substances & Gaming.

SSB 5437 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by MacEwen and Hunt)

AN ACT Relating to vacancies of the governing body of special purpose districts; amending RCW 42.12.070, 43.06.010, and 70.44.056; and adding a new section to chapter 42.12 RCW.

Referred to Committee on Local Government.

SSB 5448 by Senate Committee on Labor & Commerce (originally sponsored by MacEwen, Mullet, Nguyen and Shewmake)

AN ACT Relating to liquor licensee privileges for the delivery of alcohol; amending RCW 66.20.320, 66.08.180, and 66.24.660; amending 2021 c 48 s 2 (uncodified); reenacting and amending RCW 66.04.010 and 66.20.310; adding new sections to chapter 66.24 RCW; and declaring an emergency.

Referred to Committee on Regulated Substances & Gaming.

SB 5487 by Senator King

AN ACT Relating to parking at rest areas; and amending RCW 47.38.020 and 46.55.010.

Referred to Committee on Transportation.

SSB 5491 by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Salomon, Shewmake, Frame, Lias and Stanford)

AN ACT Relating to allowing for residential buildings of a certain height to be served by a single exit under certain conditions; amending RCW 19.27.042; adding a new section to chapter 19.27 RCW; and providing an expiration date.

Referred to Committee on Local Government.

SSB 5504 by Senate Committee on Transportation (originally sponsored by Saldaña, Lias, Valdez and Wilson, C.)

AN ACT Relating to open motor vehicle safety recalls; adding a new section to chapter 46.32 RCW; adding a new section to chapter 46.16A RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

ESSB 5528 by Senate Committee on Labor & Commerce (originally sponsored by Stanford)

AN ACT Relating to retainage requirements for private construction projects; and adding a new chapter to Title 60 RCW.

Referred to Committee on Labor & Workplace Standards.

ESSB 5546 by Senate Committee on Labor & Commerce (originally sponsored by Shewmake, Lovick, Keiser, King, Stanford, Conway and Wilson, C.)

AN ACT Relating to establishing a Washington state cannabis commission; amending RCW 41.06.070; adding a new section to chapter 69.50 RCW; and adding a new chapter to Title 15 RCW.

Referred to Committee on Regulated Substances & Gaming.

E2SSB 5580 by Senate Committee on Ways & Means (originally sponsored by Muzzall, Cleveland, Braun, Rivers, Warnick, Hasegawa, Kuderer, Lovelett, Randall, Shewmake and Wilson, J.)

AN ACT Relating to improving maternal health outcomes; amending RCW 74.09.830; and adding new sections to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5600 by Senate Committee on Environment, Energy & Technology (originally sponsored by Wellman, Braun, Lovick, Schoesler and Short)

AN ACT Relating to extending the expiration date for the state universal communications services program; amending RCW 80.36.630, 80.36.650, 80.36.660, 80.36.670, 80.36.680, 80.36.690, and 80.36.700; and providing expiration dates.

Referred to Committee on Innovation, Community & Economic Development, & Veterans.

E2SSB 5634 by Senate Committee on Ways & Means (originally sponsored by Conway, Keiser, Hasegawa, Nguyen, Nobles and Stanford)

AN ACT Relating to problem gambling; amending RCW 41.05.750, 67.70.340, 82.04.285, 82.04.286, and 9.46.071; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Regulated Substances & Gaming.

SSB 5652 by Senate Committee on Transportation (originally sponsored by Lovick, Dozier, Hawkins, Hunt, Saldaña, Short and Stanford)

AN ACT Relating to compensation for tow truck operators for keeping the public roadways clear; and amending RCW 46.44.110.

Referred to Committee on Transportation.

SSB 5672 by Senate Committee on Ways & Means (originally sponsored by Wilson, L., Rolfes, Conway, Dozier, Gildon, Kuderer and Nobles)

AN ACT Relating to the Washington auto theft prevention authority account; amending RCW 46.63.110, 46.66.080, and 48.14.020; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

ESB 5691 by Senators Warnick and Shewmake

AN ACT Relating to resource and assessment centers; and amending RCW 74.15.311.

Referred to Committee on Human Services, Youth, & Early Learning.

SSB 5696 by Senate Committee on Ways & Means (originally sponsored by Robinson and Hunt)

AN ACT Relating to eligibility for participation in the public employees' benefits board for retired or disabled employees of counties, municipalities, and other political subdivisions; amending RCW 41.05.080; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

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, with the exception of SENATE BILL NO. 5274 which was referred to the Committee on Community Safety, Justice & Reentry.

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

**MOTION**

There being no objection, the Committee on Housing was relieved of SENATE BILL NO. 5058, and the bill was referred to the Committee on Civil Rights & Judiciary.

There being no objection, the House adjourned until 9:55 a.m., Monday, March 13, 2023, the 64th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

SIXTY FOURTH DAY

House Chamber, Olympia, Monday, March 13, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

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 fifth order of business.

REPORTS OF STANDING COMMITTEES

March 9, 2023

HB 1711 Prime Sponsor, Representative Chapman: Providing a sales and use tax exemption related to internet and telecommunications infrastructure projects involving a federally recognized Indian tribe. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

March 9, 2023

HB 1729 Prime Sponsor, Representative Abbarno: Creating and expanding tax incentives for the research, development, production, and sale of hydrogen fuel products in Washington state. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Barnard; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Chopp.

MINORITY recommendation: Without recommendation. Signed by Representative Jacobsen, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

March 9, 2023

HB 1756 Prime Sponsor, Representative Ramel: Supporting clean energy through tax changes that increase revenue to local governments, schools, and impacted communities. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Barnard; Ramel; Santos; Springer; Thai; Walen and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chopp; and Stokesbary.

Referred to Committee on Rules for second reading

March 9, 2023

HB 1757 Prime Sponsor, Representative Corry: Providing a sales and use tax remittance to qualified farmers. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

March 9, 2023

HB 1768 Prime Sponsor, Representative Shavers: Exempting certain sales of electricity to qualifying green businesses from the public utilities tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Chopp.

Referred to Committee on Rules for second reading

March 10, 2023

SB 5003 Prime Sponsor, Senator Lovick: Increasing the number of district court judges in Snohomish county. Reported by Committee on Civil Rights & Judiciary

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

Referred to Committee on Rules for second reading

March 10, 2023

SB 5004 Prime Sponsor, Senator Pedersen: Making updates to the Washington business corporation act. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 23B.01.400 and 2022 c 42 s 101 are each amended to read as follows:

~~((Unless the context clearly requires otherwise, the))~~ The definitions in this section apply throughout this title unless the context clearly requires otherwise.

(1) "Articles of incorporation" include amended and restated articles of incorporation and articles of merger.

(2) "Authorized shares" means the shares of all classes a domestic or foreign corporation is authorized to issue.

(3) "Conspicuous" means so prepared that a reasonable person against whom the writing is to operate should have noticed it. For example, text in italics, boldface, contrasting color, capitals, or underlined is conspicuous.

(4) "Controlling interest" means ownership of an entity's outstanding shares or interests in such number as to entitle the holder at the time to elect a majority of the entity's directors or other governors without regard to voting power which may thereafter exist upon a default, failure, or other contingency.

(5) "Corporate action" means any resolution, act, policy, contract, transaction, plan, adoption or amendment of articles of incorporation or bylaws, or other matter approved by or submitted for approval to a corporation's incorporators, board of directors or a committee thereof, or shareholders.

(6) "Corporation" or "domestic corporation" means a corporation for profit, including a social purpose corporation, which is not a foreign corporation, incorporated under or subject to the provisions of this title.

(7) "Deliver" or "delivery" means any method of delivery used in conventional commercial practice, including delivery by hand, mail, commercial delivery, and, if authorized in accordance with RCW 23B.01.410, by electronic transmission.

(8) "Distribution" means a direct or indirect transfer of money or other property, except its own shares, or incurrence of indebtedness by a corporation to or for the benefit of its shareholders in respect to any of its shares. A distribution may be in the form of a declaration or payment of a dividend; a distribution in partial or complete liquidation, or upon voluntary or involuntary dissolution; a purchase, redemption, or other acquisition of shares; a distribution of indebtedness; or otherwise.

(9) "Document" means:

(a) Any tangible medium on which information is inscribed, and includes handwritten, typed, printed, or similar instruments or copies of such instruments; and

(b) An electronic record.

(10) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(11) "Electronic mail" means an electronic transmission directed to a unique electronic mail address, which electronic mail will be deemed to include any files attached thereto and any information hyperlinked to a website if the electronic mail includes the contact information of an officer or agent of the corporation who is available to assist with accessing such files and information.

(12) "Electronic mail address" means a destination, commonly expressed as a string of characters, consisting of a unique user name or mailbox, commonly referred to as the "local part" of the address, and a reference to an internet domain, commonly referred to as the "domain part" of the address, whether or not displayed, to which electronic mail can be sent or delivered.

(13) "Electronic record" means information that is stored in an electronic or other nontangible medium and: (a) Is retrievable in paper form by the recipient through an automated process used in conventional commercial practice; or (b) if not retrievable in paper form by the recipient through an automated process used in conventional commercial practice, is otherwise authorized in accordance with RCW 23B.01.410(10).

(14) "Electronic transmission" or "electronically transmitted" means internet transmission, telephonic transmission, electronic mail transmission, transmission of a telegram, cablegram, or datagram, the use of, or participation in, one or more electronic networks or databases including one or more distributed electronic networks or databases, or any other form or process of communication, not directly involving the physical transfer of paper or another tangible medium, which:

(a) Is suitable for the retention, retrieval, and reproduction of information by the recipient; and

(b) Is retrievable in paper form by the recipient through an automated process used in conventional commercial practice, or, if not retrievable in paper form by the recipient through an automated process used in conventional commercial practice, is otherwise authorized in accordance with RCW 23B.01.410(10).

(15) "Employee" includes an officer but not a director. A director may accept duties that make the director also an employee.

(16) "Entity" includes a corporation and foreign corporation, not-for-profit corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, two or more persons having a joint or common economic interest, the state, United States, and a foreign governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(17) "Execute," "executes," or "executed" means, with present intent to authenticate or adopt a document:

(a) To sign or adopt a tangible symbol to the document, and includes any manual, facsimile, or conformed signature;

(b) To attach or logically associate with an electronic transmission an electronic sound, symbol, or process, and includes an electronic signature; or

(c) With respect to a document to be filed with the secretary of state, in compliance with the standards for filing with the office of the secretary of state as prescribed by the secretary of state.

(18) "Foreign corporation" means a corporation for profit incorporated under a law other than the law of this state.

(19) "Foreign limited partnership" means a partnership formed under laws other than of this state and having as partners one or more general partners and one or more limited partners.

(20) "General social purpose" means the general social purpose for which a social purpose corporation is organized as set forth in the articles of incorporation of the corporation in accordance with RCW 23B.25.040(1)(c).

(21) "Governmental subdivision" includes authority, county, district, and municipality.

(22) "Governor" has the meaning given that term in RCW 23.95.105.

(23) "Includes" denotes a partial definition.

(24) "Individual" includes the estate of an incompetent or deceased individual.

(25) "Limited partnership" or "domestic limited partnership" means a partnership formed by two or more persons under the laws of this state and having one or more general partners and one or more limited partners.

(26) "Means" denotes an exhaustive definition.

(27) "Notice" has the meaning provided in RCW 23B.01.410.

(28) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(29) "Principal office" means the office, in or out of this state, so designated in the annual report where the principal executive offices of a domestic or foreign corporation are located.

(30) "Proceeding" includes civil suit and criminal, administrative, and investigatory action.

(31) "Public company" means a corporation that has a class of shares registered with the federal securities and exchange commission pursuant to section 12 or 15 of the securities exchange act of 1934, or section 8 of the investment company act of 1940, or any successor statute.

(32) "Qualified director" means (a) with respect to a director's conflicting interest transaction as defined in RCW 23B.08.700, any director who does not have either (i) a conflicting interest respecting the transaction, or (ii) a familial, financial, professional, or employment relationship with a second director who does have a conflicting interest respecting the transaction, which relationship would, in the circumstances, reasonably be expected to exert an influence on the first director's judgment when voting on the transaction; (b) with respect to RCW 23B.08.735, a qualified director under (a) of this subsection if the business opportunity were a director's conflicting interest transaction; and (c)

with respect to RCW 23B.02.020(2)(g), a director who is not a director (i) to whom the limitation or elimination of the duty of an officer to offer potential business opportunities to the corporation would apply, or (ii) who has a familial, financial, professional, or employment relationship with another officer to whom the limitation or elimination would apply, which relationship would, in the circumstances, reasonably be expected to exert an influence on the director's judgment when voting on the limitation or elimination.

(33) "Record date" means the date fixed for determining the identity of a corporation's shareholders and their shareholdings for purposes of this title. The determinations shall be made as of the close of business on the record date unless another time for doing so is specified when the record date is fixed.

(34) "Registered office" means the address of the corporation's registered agent.

(35) "Secretary" means the corporate officer to whom the board of directors has delegated responsibility under RCW 23B.08.400(3) for custody of the minutes of the meetings of the board of directors and of the shareholders and for authenticating records of the corporation.

(36) "Shareholder" means the person in whose name shares are registered in the records of a corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation.

(37) "Shares" means the units into which the proprietary interests in a corporation are divided.

(38) "Social purpose" includes any general social purpose and any specific social purpose.

(39) "Social purpose corporation" means a corporation that has elected to be governed as a social purpose corporation under chapter 23B.25 RCW.

(40) "Specific social purpose" means the specific social purpose or purposes for which a social purpose corporation is organized as set forth in the articles of incorporation of the corporation in accordance with RCW 23B.25.040(2)(a).

(41) "State," when referring to a part of the United States, includes a state and commonwealth, and their agencies and governmental subdivisions, and a territory and insular possession, and their agencies and governmental subdivisions, of the United States.

(42) "Subscriber" means a person who subscribes for shares in a corporation, whether before or after incorporation.

(43) "Subsidiary" means an entity in which the corporation has, directly or indirectly, a controlling interest.

(44) "United States" includes a district, authority, bureau, commission, department, and any other agency of the United States.

(45) "Voting group" means all shares of one or more classes or series that under the articles of incorporation or this title are entitled to vote and be counted together collectively on a matter at a meeting of shareholders. All shares entitled by the

articles of incorporation or this title to vote generally on the matter are for that purpose a single voting group.

(46) "Writing" or "written" means any information in the form of a document.

(47) "Forward stock split" means the pro rata division of all the outstanding shares of a class of stock into a greater number of shares of the same class, whether or not the authorized shares of such a class are increased in the same proportion, but does not include a share dividend under RCW 23B.06.230.

(48) "Reverse stock split" means the pro rata combination of all the outstanding shares of a class of stock into a smaller number of shares of the same class, whether or not the authorized shares of such a class are reduced in the same proportion.

(49) "Stock split" means a forward stock split or a reverse stock split.

**Sec. 2.** RCW 23B.06.210 and 2009 c 189 s 8 are each amended to read as follows:

(1) The powers granted in this section to the board of directors may be reserved to the shareholders by the articles of incorporation.

(2) Any issuance of shares must be approved by the board of directors. Shares may be issued ~~((for))~~:

(a) For consideration determined by the board of directors from time to time consisting of any tangible or intangible property or benefit to the corporation, including cash, promissory notes, services performed, contracts for services to be performed, or other securities of the corporation; or

(b) As a share dividend or upon a stock split, reclassification of outstanding shares into shares of another class or series, or conversion of outstanding shares into shares of another class or series.

(3) A good faith determination by the board of directors that the consideration received or to be received for the shares to be issued is adequate is conclusive insofar as the adequacy of consideration relates to whether the shares are validly issued, fully paid and nonassessable. When the board of directors has made such a determination and the corporation has received the consideration, the shares issued therefor are fully paid and nonassessable. Shares issued as a share dividend or upon a stock split, reclassification of outstanding shares into shares of another class or series, or conversion of outstanding shares into shares of another class or series are fully paid and nonassessable.

(4) The corporation may place in escrow shares issued for a contract for future services or benefits or a promissory note, or make other arrangements to restrict the transfer of the shares, and may credit distributions in respect to the shares against their purchase price, until the services are performed, the benefits are received, or the note is paid. If the services are not performed, the benefits are not received, or the note is not paid, the shares escrowed or restricted and the distributions credited may be canceled in whole or part.

(5) Where it cannot be determined that outstanding shares are fully paid and nonassessable, there shall be a conclusive presumption that such shares are fully paid and nonassessable if the board of directors makes a good faith determination that there is no substantial evidence that the full consideration for such shares has not been paid.

**NEW SECTION. Sec. 3.** A new section is added to chapter 23B.06 RCW to read as follows:

(1) A corporation may effect a stock split by means of an amendment to the articles of incorporation stating the effect of the stock split on the outstanding shares of the affected class.

(2) An amendment to the articles of incorporation to effect a stock split may, but is not required to, include a change in the authorized shares of the affected class.

(3) Except for a forward stock split that complies with RCW 23B.10.020(4)(a) or a reverse stock split that complies with RCW 23B.10.020(4)(b), an amendment to the articles of incorporation to effect a stock split must be approved in accordance with RCW 23B.10.030 and, if applicable, RCW 23B.10.040.

(4) The board of directors may fix the record date for determining shareholders affected by a stock split, which date may not precede the date on which the amendment to the articles of incorporation effecting the stock split becomes effective in accordance with RCW 23.95.210. If the board of directors does not fix the record date for determining shareholders affected by a stock split, the record date is the date on which the amendment to the articles of incorporation effecting the stock split becomes effective in accordance with RCW 23.95.210.

**Sec. 4.** RCW 23B.10.020 and 2009 c 189 s 31 are each amended to read as follows:

Unless the articles of incorporation provide otherwise, a corporation's board of directors may adopt one or more amendments to the corporation's articles of incorporation without shareholder approval:

(1) If the corporation has only one class of shares outstanding, to provide, change, or eliminate any provision with respect to the par value of any class of shares;

(2) To delete the names and addresses of the initial directors;

(3) To delete the name and address of the initial registered agent or registered office, if a statement of change is on file with the secretary of state;

(4) If the corporation has only one class of shares outstanding, solely to:

(a) Effect a forward stock split of, or change the number of authorized shares of that class in proportion to a forward stock split of, or ~~((stock))share~~ dividend in, the corporation's outstanding shares; or

(b) Effect a reverse stock split of the corporation's outstanding shares ~~((and))~~ if the number of authorized shares of that class ~~((in the same proportions))~~ is proportionately reduced by the amendment;

(5) To change the corporate name; or

(6) To make any other change expressly permitted by this title to be made without shareholder approval.

**Sec. 5.** RCW 23B.11.030 and 2022 c 42 s 108 are each amended to read as follows:

(1) After ~~((adopting))~~ a plan of merger or share exchange has been adopted in accordance with RCW 23B.11.020 or 23B.11.040, the board of directors of each corporation party to the merger, ~~((and))~~ or the board of directors of the corporation whose shares will be acquired in the share exchange, shall submit the plan ~~((of merger))~~ for approval by the shareholders, except as provided in subsection (7) or (9) of this section ~~((, or share exchange for approval by its shareholders))~~ or as provided in RCW 23B.11.040 or section 6 of this act.

(2) For a plan of merger or share exchange to be approved by shareholders:

(a) The board of directors must recommend that the shareholders approve the plan of merger or share exchange ~~((to the shareholders))~~, unless (i) the board of directors determines that because of conflict of interest or other special circumstances it should not make ~~((a))~~ such a recommendation or (ii) RCW 23B.08.245 applies, and in either case the board of directors communicates the basis for so proceeding to the shareholders; and

(b) The shareholders entitled to vote must approve the plan ~~((, except as provided in subsection (7) of this section))~~.

(3) The board of directors may condition its submission of the proposed plan of merger or share exchange on any basis, including the affirmative vote of holders of a specified percentage of shares held by any group of shareholders not otherwise entitled under this title or the articles of incorporation to vote as a separate voting group on the proposed plan of merger or share exchange.

(4) The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with RCW 23B.07.050. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider the plan of merger or share exchange and must contain or be accompanied by a copy of the plan or a summary of the material terms and conditions of the proposed merger or share exchange and the consideration to be received by shareholders.

(5) ~~((If))~~ If the plan of merger is required to be approved by the shareholders, in addition to any other voting conditions imposed by the board of directors under subsection (3) of this section, the plan of merger must be approved by two-thirds of the voting group comprising all the votes entitled to be cast on the plan, and of each other voting group entitled under RCW 23B.11.035 or the articles of incorporation to vote separately on the plan ~~((, unless shareholder approval is not required under subsection (7) of this section))~~. The articles of incorporation may require a greater or lesser vote than that provided in this subsection, or a greater or lesser vote by separate voting groups, so long as the

required vote is not less than a majority of all the votes entitled to be cast on the plan of merger and of each other voting group entitled to vote separately on the plan. Separate voting by additional voting groups is required on a plan of merger under the circumstances described in RCW 23B.11.035.

(6) In addition to any other voting conditions imposed by the board of directors under subsection (3) of this section, the plan of share exchange must be approved by two-thirds of the voting group comprising all the votes entitled to be cast on the plan, and of each other voting group entitled under RCW 23B.11.035 or the articles of incorporation to vote separately on the plan. The articles of incorporation may require a greater or lesser vote than that provided in this subsection, or a greater or lesser vote by separate voting groups, so long as the required vote is not less than a majority of all the votes entitled to be cast on the plan of share exchange and of each other voting group entitled to vote separately on the plan. Separate voting by additional voting groups is required on a plan of share exchange under the circumstances described in RCW 23B.11.035.

(7) Approval by the shareholders of the surviving corporation on a plan of merger is not required if:

(a) The articles of incorporation of the surviving corporation will not differ, except for amendments enumerated in RCW 23B.10.020, from its articles of incorporation before the merger;

(b) Each shareholder of the surviving corporation whose shares were outstanding immediately before the effective date of the merger will hold the same number of shares, with identical designations, preferences, limitations, and relative rights, immediately after the merger;

(c) The number of voting shares outstanding immediately after the merger, plus the number of voting shares issuable as a result of the merger, either by the conversion of securities issued pursuant to the merger or the exercise of rights and warrants issued pursuant to the merger, will not exceed the total number of voting shares of the surviving corporation authorized by its articles of incorporation immediately before the merger; and

(d) The number of participating shares outstanding immediately after the merger, plus the number of participating shares issuable as a result of the merger, either by the conversion of securities issued pursuant to the merger or the exercise of rights and warrants issued pursuant to the merger, will not exceed the total number of participating shares authorized by its articles of incorporation immediately before the merger.

(8) As used in subsection (7) of this section:

(a) "Participating shares" means shares that entitle their holders to participate without limitation in distributions.

(b) "Voting shares" means shares that entitle their holders to vote unconditionally in elections of directors.



(9) Unless the articles of incorporation provide otherwise, approval by the shareholders of a public company is not required for a plan of merger if:

(a) The plan of merger expressly: (i) Permits or requires the merger to be effected under this subsection; and (ii) provides that, if the merger is to be effected under this subsection, the merger will be effected as soon as practicable following the satisfaction of the requirements of (f) of this subsection;

(b) Another party to the merger or a parent of another party to the merger makes an offer to purchase, on the terms stated in the plan of merger, any and all of the outstanding shares of the corporation that, absent this subsection, would be entitled to vote on the plan of merger, except that the offer may exclude shares of the corporation that are owned at the commencement of the offer by the corporation, the offeror, or any parent of the offeror, or by any wholly owned subsidiary of any of the foregoing;

(c) The offer discloses that the plan of merger states that the merger will be effected as soon as practicable following the satisfaction of the requirements of (f) of this subsection and that the shares of the corporation that are not tendered in response to the offer will be treated as provided in (h) of this subsection;

(d) The offer remains open for at least 10 days;

(e) The offeror purchases all shares properly tendered in response to the offer and not properly withdrawn;

(f) The: (i) Shares purchased by the offeror in accordance with the offer; (ii) shares otherwise owned by the offeror or by any parent of the offeror or any wholly owned subsidiary of any of the foregoing; and (iii) shares subject to an agreement that they are to be transferred, contributed, or delivered to the offeror, any parent of the offeror, or any wholly owned subsidiary of any of the foregoing in exchange for shares or other interests in that offeror, parent, or subsidiary, are collectively entitled to cast at least the minimum number of votes on the merger that, absent this subsection, would be required by this chapter for the approval of the merger by the shareholders entitled to vote on the merger at a meeting at which all shares entitled to vote on the approval were present and voted;

(g) The offeror or a wholly owned subsidiary of the offeror merges with or into the corporation; and

(h) Each outstanding share of each class or series of shares of the corporation that the offeror is offering to purchase in accordance with the offer, and which is not purchased in accordance with the offer, is to be converted in the merger into, or into the right to receive, the same amount and kind of securities, eligible interests, obligations, rights, cash, or other property to be paid or exchanged in accordance with the offer for each share of that class or series of shares that is tendered in response to the offer, except that shares of the corporation that are owned by the corporation or that are described in (f)(ii) or (iii) of this subsection need not be

converted into or exchanged for the consideration described in this subsection (9)(h).

(10) As used in subsection (9) of this section:

(a) "Offer" means the offer referred to in subsection (9)(b) of this section.

(b) "Offeror" means the person making the offer.

(c) "Parent" of an entity means a person that owns, directly or indirectly, through one or more wholly owned subsidiaries, all of the outstanding shares of or other interests in that entity.

(d) Shares tendered in response to the offer will be deemed to have been "purchased" in accordance with the offer at the earlier time as of which:

(i) The offeror has irrevocably accepted those shares for payment; and

(ii) Either: (A) In the case of shares represented by certificates, the offeror, or the offeror's designated depository or other agent, has physically received the certificates representing those shares; or (B) in the case of shares without certificates, those shares have been transferred into the account of the offeror or its designated depository or other agent, or an agent's message relating to those shares has been received by the offeror or its designated depository or other agent.

(e) "Wholly owned subsidiary" of a person means an entity of or in which that person owns, directly or indirectly, through one or more wholly owned subsidiaries, all of the outstanding shares or other interests.

(11) After a merger or share exchange is approved, and at any time before articles of merger or share exchange are filed, the planned merger or share exchange may be abandoned, subject to any contractual rights, without further shareholder approval, in accordance with the procedure set forth in the plan of merger or share exchange or, if none is set forth, in the manner determined by the board of directors.

**NEW SECTION. Sec. 6.** A new section is added to chapter 23B.11 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Holding company" means the corporation that is or becomes the direct parent of the surviving corporation of a merger accomplished under this section and whose capital stock is issued in that merger.

(b) "Parent constituent corporation" means the parent corporation that merges with or into the subsidiary constituent corporation in the merger.

(c) "Subsidiary constituent corporation" means the subsidiary corporation with or into which the parent constituent corporation merges in the merger.

(2) Unless the articles of incorporation provide otherwise, a parent constituent corporation may merge with or into a single indirect wholly owned subsidiary of the parent constituent corporation without the approval of the plan of merger by the

shareholders of the parent constituent corporation if:

(a) The plan expressly permits or requires the merger to be effected under this subsection;

(b) The holding company and the constituent corporations to the merger are each organized under this title;

(c) At all times from its incorporation until consummation of a merger under this section, the holding company was a direct wholly owned subsidiary of the parent constituent corporation;

(d) Immediately before consummation of a merger under this section, the subsidiary constituent corporation is a direct wholly owned subsidiary of the holding company and an indirect wholly owned subsidiary of the parent constituent corporation;

(e) The parent constituent corporation and the subsidiary constituent corporation are the only constituent entities to the merger;

(f) Immediately after the merger becomes effective, the surviving corporation of the merger becomes or remains a direct wholly owned subsidiary of the holding company;

(g) Each share or fraction of a share of the parent constituent corporation outstanding immediately before the merger becomes effective is converted in the merger into a share or equal fraction of a share of the holding company having the same designations and relative preferences, rights, and limitations as the share or fraction of a share of the parent constituent corporation being converted in the merger;

(h) The articles of incorporation and bylaws of the holding company immediately after the merger becomes effective contain provisions identical to the articles of incorporation and bylaws of the parent constituent corporation immediately before the merger becomes effective, other than any provisions regarding the incorporator or incorporators, the corporate name, the registered office and agent, the initial board of directors and the initial subscribers for shares, and the provisions contained in any amendment to the articles of incorporation of the parent constituent corporation that were necessary to effect an exchange, reclassification, or cancellation of shares if the exchange, reclassification, or cancellation has become effective;

(i) The articles of incorporation and bylaws of the surviving corporation immediately after the merger becomes effective contain provisions by specific reference to this subsection requiring that any corporate action by or involving the surviving corporation, other than the election or removal of directors of the surviving corporation, must be approved by the shareholders of the holding company, or any successor by merger, by the same vote as is required by this title or under the articles of incorporation or bylaws of the parent constituent corporation immediately before the merger becomes effective, if that corporate action would have required the approval of the shareholders of the parent constituent corporation under this title or under the articles of incorporation or bylaws of the parent constituent corporation

immediately before the merger becomes effective;

(j) The directors of the parent constituent corporation immediately before the merger becomes effective become or remain the directors of the holding company immediately after the merger becomes effective; and

(k) The shareholders of the parent constituent corporation will not recognize gain or loss for United States federal income tax purposes as a result of the merger, as determined by the board of directors of the parent constituent corporation.

(3) The holding company must, promptly after the effective date of a merger effected under subsection (2) of this section, notify each person who was a shareholder of the parent constituent corporation as of the date the board of directors approves the merger that the merger has become effective. The notice must contain or be accompanied by a copy of the plan of merger or a summary of the material terms and conditions of the merger and the consideration to be received by those shareholders.

(4) To the extent restrictions under chapter 23B.19 RCW applied to the parent constituent corporation or any of its shareholders at the effective time of the merger, those restrictions apply to the holding company and its shareholders immediately after the merger becomes effective as though the holding company were the parent constituent corporation, and all shares of stock of the holding company acquired in the merger will, for the purposes of chapter 23B.19 RCW, be deemed to have been acquired at the time that the corresponding shares of stock of the parent constituent corporation were acquired. No shareholder who, immediately before the merger becomes effective, was not an acquiring person of the parent constituent corporation under chapter 23B.19 RCW will, solely by reason of the merger, become an acquiring person of the holding company under chapter 23B.19 RCW.

(5) To the extent a shareholder of the parent constituent corporation immediately before the merger was eligible to commence a proceeding in the right of the parent constituent corporation in accordance with RCW 23B.07.400, nothing in this section is deemed to limit or extinguish that eligibility.

(6) Except as provided in subsections (2), (3), (4), and (5) of this section, a merger between a parent constituent corporation and a subsidiary constituent corporation is governed by the provisions of this chapter applicable to mergers generally."

Correct the title.

Signed by Representatives Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

March 10, 2023

**SB 5036** Prime Sponsor, Senator Muzzall: Concerning telemedicine. Reported by Committee on Health Care & Wellness

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

Referred to Committee on Rules for second reading

March 9, 2023

**SB 5065** Prime Sponsor, Senator Short: Encouraging public school instruction in awareness of bone marrow donation. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that it has previously found that every three minutes an American child or adult is diagnosed with a potentially fatal blood disease. For many of these individuals, bone marrow transplantation is the only chance for survival. The legislature finds that 70 percent of patients do not have a fully matched donor in their family and rely on a registry to find an unrelated donor. The legislature further finds that 40 to 71 percent of individuals with diverse heritage never find a bone marrow match. The ultimate key to survivability lies in increasing the number of bone marrow donors across all ethnicities, which will increase the potential for a suitable match.

(2) It is the intent of the legislature to continue to increase awareness of bone marrow donation by encouraging school districts, charter schools, and state-tribal compact schools to offer instruction on this topic to high school students in at least one health class necessary for graduation. The legislature also intends for this instruction to be optional for elementary and middle school students.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.210 RCW to read as follows:

(1) Each school district, charter school, and state-tribal education compact school that serves students in any of grades nine through 12 is encouraged to offer instruction in awareness of bone marrow donation to students as provided in this section. Beginning with the 2023-24 school year, instruction in awareness of bone marrow donation may be included in at least one health class necessary for graduation.

(2)(a) Instruction in awareness of bone marrow donation under this section must be an instructional program provided by the national marrow donor program or other relevant nationally recognized organization.

(b) The office of the superintendent of public instruction must post on its website

a link to the instructional program described in this subsection (2).

(3) Each school district, charter school, and state-tribal education compact school that serves students in any of grades kindergarten through eight may offer instruction in awareness of bone marrow donation to students. The instruction described in subsection (2) of this section may be adapted to be age appropriate.

(4) School districts, charter schools, and state-tribal education compact schools may offer the instruction in awareness of bone marrow donation directly or arrange for the instruction to be provided by available community-based providers. The instruction does not have to be provided by certificated instructional staff."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

March 9, 2023

**SSB 5072** Prime Sponsor, Early Learning & K-12 Education: Advancing equity in programs for highly capable students. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that, for highly capable students, access to accelerated learning and enhanced instruction is access to a basic education. The legislature has directed school districts to prioritize equitable identification of low-income students for participation in highly capable programs and services. The research literature strongly supports using universal screening and multiple criteria to equitably identify students for highly capable programs. There are multiple approaches to implementing universal screening and the use of multiple criteria. The legislature intends all school districts to use best practices and does not intend to prescribe a single method.

(2) The legislature further intends to allocate state funding for the highly capable program based on five percent of each school district's student population. The legislature does not intend to limit highly capable services to five percent of the student population. School districts may identify and serve more than five percent of their students for highly capable programs and services.

**Sec. 2.** RCW 28A.185.020 and 2017 3rd sp.s. c 13 s 412 are each amended to read as follows:

~~((1) The legislature finds that, for highly capable students, access to accelerated learning and enhanced instruction is access to a basic education.~~

~~There are multiple definitions of highly capable, from intellectual to academic to artistic. The research literature strongly supports using multiple criteria to identify highly capable students, and therefore, the legislature does not intend to prescribe a single method. Instead, the legislature intends to allocate funding based on 5.0 percent of each school district's population and authorize school districts to identify through the use of multiple, objective criteria those students most highly capable and eligible to receive accelerated learning and enhanced instruction in the program offered by the district.)) District practices for identifying ((the most)) highly capable students must prioritize equitable identification of low-income students. Access to accelerated learning and enhanced instruction through the program for highly capable students does not constitute an individual entitlement for any particular student.~~

~~((2) Supplementary funds provided by the state for the program for highly capable students under RCW 28A.150.260 shall be categorical funding to provide services to highly capable students as determined by a school district under RCW 28A.185.030.))~~

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.185 RCW to read as follows:

(1) Other basic education funding can be used alongside categorical funding to identify students and provide programs and services for highly capable students.

(2) Each school district must conduct universal screenings in accordance with RCW 28A.185.030 to find students who may qualify for potential highly capable program placement.

**Sec. 4.** RCW 28A.185.030 and 2009 c 380 s 4 are each amended to read as follows:

~~((Local school))~~ (1) School districts may establish and operate, either separately or jointly, programs for highly capable students. Such authority shall include the right to employ and pay special instructors and to operate such programs jointly with a public institution of higher education. ~~((Local school))~~

(2) School districts ~~((which))~~ that establish and operate programs for highly capable students shall adopt identification procedures and provide educational opportunities as follows:

~~((1))~~ (a) In accordance with rules adopted by the superintendent of public instruction, school districts shall implement procedures for ~~((nomination))~~ referral, screening, assessment ~~((and selection))~~, identification, and placement of ~~((their most))~~ highly capable students. ~~((Nominations shall be based upon data from))~~

(i) Referrals must be available for all grade levels not being universally screened, and may be submitted by teachers, other staff, parents, students, and members of the community.

(ii) Each school district must select a grade level to implement universal screening

procedures for each student. Universal screening must occur once in or before second grade, and again in or before sixth grade. The purpose of universal screening is to include students who traditionally are not referred for highly capable programs and services. Students discovered during universal screening may need further assessment to determine whether the student is eligible for placement in a program for highly capable students. Districts must consider at least two student data points during universal screening, which may include previously administered standardized, classroom-based, performance, cognitive, or achievement assessments, or research-based behavior ratings scales. There is no requirement to administer a new assessment for the purpose of universal screening, however districts may do so if they desire.

((iii)) Assessments ~~((shall))~~ for highly capable program services must be based upon a review of each student's capability as shown by multiple criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities. Any screenings or additional assessments must be conducted within the school day and at the school the student attends, except that school districts, on a case-by-case basis and with the consent of the parent or guardian, may offer a student screenings or additional assessment opportunities during the summer, outside of school hours, or at an alternative site.

~~((Selection))~~ (iv) Identification and placement decisions shall be made by a ~~((broadly based committee of professionals,))~~ multidisciplinary selection committee after consideration of the results of the ~~((multiple criteria assessment))~~ universal screening, any further assessment, and any available district data. Students identified pursuant to procedures outlined in this section must be provided, to the extent feasible, an educational opportunity that takes into account each student's unique needs and capabilities, and the limits of the resources and program options available to the district, including those options that can be developed or provided using funds allocated by the superintendent of public instruction for this specific purpose.

(b) In addition to the criteria listed in (a) of this subsection, district practices for identifying highly capable students must seek to expand access to accelerated learning and enhanced instruction at elementary and secondary schools and advance equitable enrollment practices so that all students, especially students from historically underrepresented and low-income groups, who are ready to engage in more rigorous coursework can benefit from accelerated learning and enhanced instruction.

~~((2))~~ (3) When a student, who is a child of a military family in transition, has been assessed or enrolled as highly capable by a sending school, the receiving school shall initially honor placement of the student into a like program.

(a) The receiving school shall determine whether the district's program is a like

program when compared to the sending school's program; and

(b) The receiving school may conduct subsequent assessments to determine appropriate placement and continued enrollment in the program.

~~((3) Students selected pursuant to procedures outlined in this section shall be provided, to the extent feasible, an educational opportunity which takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district, including those options which can be developed or provided by using funds allocated by the superintendent of public instruction for that purpose.))~~

(4) ~~((The))~~ For a student who is a child of a military family in transition, the definitions in Article II of RCW 28A.705.010 apply to subsection ((2-)) (3) of this section.

**Sec. 5.** RCW 28A.185.050 and 2002 c 234 s 1 are each amended to read as follows:

(1) In order to ensure that school districts are meeting the requirements of an approved program for highly capable students, the superintendent of public instruction shall monitor highly capable programs at least once every five years. Monitoring shall begin during the 2002-03 school year.

(2) Any program review and monitoring under this section may be conducted concurrently with other program reviews and monitoring conducted by the office of the superintendent of public instruction. In its review, the office shall monitor program components that include but need not be limited to the process used by the district to identify and reach out to highly capable students with diverse talents and from diverse backgrounds, assessment data ~~((and))~~, other indicators to determine how well the district is meeting the academic needs of highly capable students, and district expenditures used to enrich or expand opportunities for these students.

(3) Beginning June 30, 2003, and every five years thereafter, the office of the superintendent of public instruction shall submit a report to the education committees of the house of representatives and the senate that provides the following:

(a) A brief description of the various instructional programs offered to highly capable students; and

(b) Relevant data to the programs for highly capable students collected under RCW 28A.300.042.

(4) Beginning November 1, 2023, and annually thereafter, the superintendent of public instruction must make data publicly available that includes a comparison of the race, ethnicity, and low-income status of highly capable students compared to the same demographic groups in the general student population of each school district. Reporting must also include comparisons for students who are English language learners, have an individualized education program, have a 504 plan, are covered by provisions of the McKinney-Vento homeless assistance act, or are highly mobile.

(5) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section.

**Sec. 6.** RCW 28A.300.042 and 2016 c 72 s 501 are each amended to read as follows:

(1) ~~((Beginning with the 2017-18 school year, and using the phase in provided in subsection (2) of this section, the))~~ The superintendent of public instruction must collect and school districts must submit all student-level data using the United States department of education 2007 race and ethnicity reporting guidelines, including the subracial and subethnic categories within those guidelines, with the following modifications:

(a) Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;

(b) Further disaggregation of countries of origin for Asian students;

(c) Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington; and

(d) For students who report as multiracial, collection of their racial and ethnic combination of categories.

(2) Beginning with the 2017-18 school year, school districts shall collect student-level data as provided in subsection (1) of this section for all newly enrolled students, including transfer students. When the students enroll in a different school within the district, school districts shall resurvey the newly enrolled students for whom subracial and subethnic categories were not previously collected. School districts may resurvey other students.

(3) All student data-related reports required of the superintendent of public instruction in this title must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, highly capable, transitional bilingual, migrant, special education, and students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

(4) All student data-related reports prepared by the superintendent of public instruction regarding student suspensions and expulsions as required under this title are subject to disaggregation by subgroups including:

- (a) Gender;
- (b) Foster care;
- (c) Homeless, if known;
- (d) School district;
- (e) School;
- (f) Grade level;
- (g) Behavior infraction code, including:
  - (i) Bullying;
  - (ii) Tobacco;
  - (iii) Alcohol;
  - (iv) Illicit drug;
  - (v) Fighting without major injury;
  - (vi) Violence without major injury;
  - (vii) Violence with major injury;
  - (viii) Possession of a weapon; and

(ix) Other behavior resulting from a short-term or long-term suspension, expulsion, or interim alternative education setting intervention;

(h) Intervention applied, including:

(i) Short-term suspension;

(ii) Long-term suspension;

(iii) Emergency expulsion;

(iv) Expulsion;

(v) Interim alternative education settings;

(vi) No intervention applied; and

(vii) Other intervention applied that is not described in this subsection (4)(h);

(i) Number of days a student is suspended or expelled, to be counted in half or full days; and

(j) Any other categories added at a future date by the data governance group.

(5) All student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to cross-tabulation at a minimum by the following:

(a) School and district;

(b) Race, low income, highly capable, special education, transitional bilingual, migrant, foster care, homeless, students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794), and categories to be added in the future;

(c) Behavior infraction code; and

(d) Intervention applied.

(6) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data as required under this section, and the office of the superintendent of public instruction shall modify the statewide student data system as needed. The office of the superintendent of public instruction shall also incorporate training for school staff on best practices for collection of data (~~(on student race and ethnicity)~~) under this section in other training or professional development related to data provided by the office."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

March 10, 2023

SSB 5121

Prime Sponsor, Health & Long Term Care: Establishing the joint select committee on health care and behavioral health oversight. Reported by Committee on Health Care & Wellness

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

Referred to Committee on Rules for second reading

March 10, 2023

ESSB 5179

Prime Sponsor, Health & Long Term Care: Increasing access to the provisions of the Washington death with dignity act. Reported by Committee on Health Care & Wellness

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

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

Referred to Committee on Rules for second reading

March 9, 2023

ESSB 5257

Prime Sponsor, Early Learning & K-12 Education: Ensuring elementary school students receive sufficient daily recess. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that recess is an essential part of the day for elementary school students. Young students learn through play, and recess supports the mental, physical, and emotional health of students and positively impacts their learning and behavior. Given the state's youth mental health and physical inactivity crisis, as well as learning loss due to the COVID-19 pandemic, recess is vital to support student well-being and academic success.

(2) The legislature also acknowledges that the amount of time spent on recess varies throughout the state; therefore, youth do not have equitable access to opportunities for physical activity, self-directed play, and time outdoors. The legislature intends to set a minimum requirement for daily recess to ensure that all students have equal access to recess, but school districts are encouraged to exceed this requirement.

(3) Further, the legislature intends to clarify that recess should not be withheld as a disciplinary or punitive action during the school day, and that recess should not be withheld to compel students to complete academic work. The legislature believes that these clarifications and other policies will help make elementary school recess safe, inclusive, and high quality for all students.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.230 RCW to read as follows:

(1)(a) Beginning with the 2024-25 school year, public schools, for each school day that exceeds five hours in duration, must provide a minimum of 30 minutes of daily recess within the school day for all

students in grades kindergarten through five and students in grade six that attend an elementary school.

(b) The office of the superintendent of public instruction may waive the requirement in (a) of this subsection during the 2024-25 school year for public schools demonstrating that they are unable to comply with the requirement.

(c) Public schools may provide additional recess before or after the school day, but that time may not be used to meet the requirements of this subsection (1).

(d) Time spent changing to and from clothes for outdoor play should not be used to meet the requirements of this subsection (1).

(2)(a) Recess must be supervised and student directed and must aim to be safe, inclusive, and high quality as described in the model policy and procedure referenced in section 3 of this act. It may include organized games, but public schools should avoid including, or permitting the student use of, computers, tablets, or phones during recess.

(b) Recess should be held outside whenever possible. If recess is held indoors, public schools should use an appropriate space that promotes physical activity.

(3) The daily recess required under this section may not be used to meet the physical education requirements under RCW 28A.230.040.

(4) For the purposes of this section, "public schools" has the same meaning as in RCW 28A.150.010.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.210 RCW to read as follows:

(1)(a) By April 1, 2024, the Washington state school directors' association, with the assistance of the office of the superintendent of public instruction, must review and update a model policy and procedure regarding nutrition, health, and physical education.

(b) The model policy and procedure must:

(i) Aim to make elementary school recess safe, inclusive, and high quality for all students;

(ii) Encourage physical activity breaks for middle and high school students;

(iii) Align with the requirements in section 2 of this act;

(iv) Encourage elementary school recess to be scheduled before lunch, whenever possible, to reduce food waste, maximize nutrition, and allow students to be active before eating;

(v) Discourage withholding recess as a disciplinary or punitive action except when a student's participation in recess poses an immediate threat to the safety of the student or others, and create a process to find and deploy alternatives to the withholding of recess;

(vi) Discourage the withholding of recess to have a student complete academic work;

(vii) Prohibit the use of physical activity during the school day as punishment, such as having students run laps or do push-ups as a punitive action; and

(viii) Align with corporal punishment requirements established in WAC 392-400-825.

(2) By the beginning of the 2024-25 school year, school districts must adopt or amend if necessary policies and procedures that, at a minimum, incorporate all the elements described in subsection (1) of this section."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Eslick; McClintock; Ortiz-Self; Pollet; Sandlin; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Rude, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Harris; and Steele.

Referred to Committee on Rules for second reading

March 10, 2023

SSB 5338

Prime Sponsor, Health & Long Term Care: Reviewing the state's essential health benefits. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The office of the insurance commissioner, in consultation with relevant interested persons and entities, shall review Washington's benchmark plan establishing the state's essential health benefits to determine whether to request approval from the centers for medicare and medicaid services under 45 C.F.R. Sec. 156.111 to modify the state's essential health benefits benchmark plan.

(2) As part of its review, the office shall determine the potential impacts on individual and small group health plan design, actuarial values, and premium rates if coverage for each of the following was included as an essential health benefit:

(a) Donor human milk as provided in RCW 48.43.815 and directed by RCW 48.43.715;

(b) Hearing instruments and associated services as described in section 1, chapter . . . (House Bill No. 1222), Laws of 2023 and directed by RCW 48.43.715;

(c) Fertility services;

(d) Biomarker testing;

(e) Contralateral prophylactic mastectomies;

(f) Treatment for pediatric acute-onset neuropsychiatric syndrome and pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections; and

(g) Magnetic resonance imaging for breast cancer screening.

(3) By December 31, 2023, the office shall report the results of the review to the relevant committees of the legislature, including any findings related to modifying the state's essential health benefits.

**Sec. 2.** RCW 48.43.715 and 2022 c 236 s 2 are each amended to read as follows:

(1) ~~((The))~~Until the effective date of an updated essential health benefits benchmark plan submitted under section 1 of this act, the commissioner, in consultation with the board and the health care authority, shall, by rule, select the largest small group plan in the state by enrollment as the benchmark plan for the individual and small group market for purposes of establishing the essential health benefits in Washington state.

(2) If the essential health benefits benchmark plan for the individual and small group market does not include all of the ~~((ten))~~10 essential health benefits categories, the commissioner, in consultation with the board and the health care authority, shall, by rule, supplement the benchmark plan benefits as needed.

(3) All individual and small group health plans must cover the ~~((ten))~~10 essential health benefits categories, other than a health plan offered through the federal basic health program, a grandfathered health plan, or medicaid. Such a health plan may not be offered in the state unless the commissioner finds that it is substantially equal to the benchmark plan. When making this determination, the commissioner:

(a) Must ensure that the plan covers the ~~((ten))~~10 essential health benefits categories;

(b) May consider whether the health plan has a benefit design that would create a risk of biased selection based on health status and whether the health plan contains meaningful scope and level of benefits in each of the ten essential health benefits categories;

(c) Notwithstanding (a) and (b) of this subsection, for benefit years beginning January 1, 2015, must establish by rule the review and approval requirements and procedures for pediatric oral services when offered in stand-alone dental plans in the nongrandfathered individual and small group markets outside of the exchange; and

(d) Must allow health carriers to also offer pediatric oral services within the health benefit plan in the nongrandfathered individual and small group markets outside of the exchange.

(4) Beginning December 15, 2012, and every year thereafter, the commissioner shall submit to the legislature a list of state-mandated health benefits, the enforcement of which will result in federally imposed costs to the state related to the plans sold through the exchange because the benefits are not included in the essential health benefits designated under federal law. The list must include the anticipated costs to the state of each state-mandated health benefit on the list and any statutory changes needed if funds are not appropriated to defray the state costs for the listed mandate. The commissioner may enforce a mandate on the list for the entire market only if funds are appropriated in an omnibus appropriations act specifically to pay the state portion of the identified costs.

(5) ~~((Upon authorization by the legislature to modify the state's essential~~

~~health benefits benchmark plan under 45 C.F.R. Sec. 156.111, the))~~The commissioner shall include coverage for donor human milk as provided in RCW 48.43.815 and hearing instruments and associated services as described in section 1, chapter . . . (House Bill No. 1222), Laws of 2023, in ~~((the updated plan))~~any update of the state's essential health benefits benchmark plan submitted to the centers for medicare and medicaid services under section 1 of this act.

NEW SECTION. **Sec. 3.** 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.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

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 eighth order of business.

**MOTIONS**

There being no objection, the following bills listed on the second reading calendar were returned to the Rules Committee:

- HOUSE BILL NO. 1025
- HOUSE BILL NO. 1026
- HOUSE BILL NO. 1027
- HOUSE BILL NO. 1067
- HOUSE BILL NO. 1124
- HOUSE BILL NO. 1131
- HOUSE BILL NO. 1136
- HOUSE BILL NO. 1150
- HOUSE BILL NO. 1201
- HOUSE BILL NO. 1226
- HOUSE BILL NO. 1244
- HOUSE BILL NO. 1252
- HOUSE BILL NO. 1278
- HOUSE BILL NO. 1281
- HOUSE BILL NO. 1284
- HOUSE BILL NO. 1304
- HOUSE BILL NO. 1305
- HOUSE BILL NO. 1306
- HOUSE BILL NO. 1321
- HOUSE BILL NO. 1333
- HOUSE BILL NO. 1364
- HOUSE BILL NO. 1365
- HOUSE BILL NO. 1381
- HOUSE BILL NO. 1401
- HOUSE BILL NO. 1408
- HOUSE BILL NO. 1427
- HOUSE BILL NO. 1442
- HOUSE BILL NO. 1443
- HOUSE BILL NO. 1445
- HOUSE BILL NO. 1468
- HOUSE BILL NO. 1485
- HOUSE BILL NO. 1488
- HOUSE BILL NO. 1489
- HOUSE BILL NO. 1494



HOUSE BILL NO. 1518  
HOUSE BILL NO. 1519  
HOUSE BILL NO. 1596  
HOUSE BILL NO. 1635  
HOUSE BILL NO. 1660  
HOUSE BILL NO. 1668  
HOUSE BILL NO. 1709  
HOUSE BILL NO. 1829

There being no objection, the following bills listed on the second reading suspension calendar were returned to the Rules Committee:

HOUSE BILL NO. 1202  
HOUSE BILL NO. 1292  
HOUSE BILL NO. 1327

There being no objection, the Committee on Housing was relieved of SUBSTITUTE SENATE BILL NO. 5491, and the bill was referred to the Committee on Local Government.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, March 14, 2023, the 65th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

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**SIXTY FIFTH DAY**

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House Chamber, Olympia, Tuesday, March 14, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fifth order of business.

**REPORTS OF STANDING COMMITTEES**

March 10, 2023

SSB 5005 Prime Sponsor, Law & Justice: Concerning real property. Reported by Committee on Civil Rights & Judiciary

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

Referred to Committee on Rules for second reading

March 10, 2023

SB 5155 Prime Sponsor, Senator Wagoner: Concerning the court of appeals. Reported by Committee on Civil Rights & Judiciary

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

Referred to Committee on Rules for second reading

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 adjourned until 9:55 a.m., Wednesday, March 15, 2023, the 66th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

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**SIXTY SIXTH DAY**

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House Chamber, Olympia, Wednesday, March 15, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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 fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1845 by Representatives Graham, Mosbrucker, Griffey and Eslick

AN ACT Relating to creating an office of the crime victims ombuds; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on State Government & Tribal Relations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

**MOTION**

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

HOUSE BILL NO. 1018  
HOUSE BILL NO. 1175  
HOUSE BILL NO. 1318  
HOUSE BILL NO. 1371  
HOUSE BILL NO. 1431  
HOUSE BILL NO. 1573  
HOUSE BILL NO. 1711  
HOUSE BILL NO. 1729  
HOUSE BILL NO. 1756  
HOUSE BILL NO. 1768  
HOUSE BILL NO. 1812

There being no objection, the House adjourned until 10:30 a.m., Thursday, March 16, 2023, the 67th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SIXTY SEVENTH DAY

House Chamber, Olympia, Thursday, March 16, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall 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, Audrey Van Kooten and Tristin Hettinger. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Stephen Crippen, Saint Paul's Episcopal Church, Seattle.

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 sixth order of business.

**SECOND READING**

**HOUSE BILL NO. 1018, by Representatives Tharinger, Chapman, Orcutt, Abbarno, Fey, Ryu and Wylie**

**Changing the expiration date for the sales and use tax exemption of hog fuel to comply with the 2045 deadline for fossil fuel-free electrical generation in Washington state and to protect jobs with health care and retirement benefits in economically distressed communities.**

The bill was read the second time.

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

Representatives Tharinger and Orcutt spoke in favor of the passage of the bill.

**MOTION**

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1018.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1018, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Maycumber

HOUSE BILL NO. 1018, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1318, by Representatives Ormsby, Springer, Volz, Graham, Riccelli, Reeves and Leavitt**

**Concerning retail sales tax exemptions for certain aircraft maintenance and repair.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1318 was substituted for House Bill No. 1318 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1318 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 Ormsby and Volz spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Ramel, Representative Stonier was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1318.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1318, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Maycumber and Stonier

SUBSTITUTE HOUSE BILL NO. 1318, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1711, by Representatives Chapman, Tharinger, Lekanoff, Ryu, Callan, Reed, Volz, Kloba, Stearns, Stokesbary and Santos**

**Providing a sales and use tax exemption related to internet and telecommunications infrastructure projects involving a federally recognized Indian tribe.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1711 was substituted for House Bill No. 1711 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1711 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 Chapman and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1711.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1711, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Maycumber and Stonier

SUBSTITUTE HOUSE BILL NO. 1711, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1431, by Representatives Timmons, Stokesbary, Springer, Corry, Stonier, Abbarno, Rule, Schmick, Street, Fitzgibbon, Jacobsen, Harris, Hutchins, Riccelli, McEntire, Maycumber, Bronoske, Ramel, Robertson, Taylor, Simmons, Tharinger, Berry, Caldier, Reeves, Ortiz-Self, Thai, Christian, Kloba, Bateman, Gregerson, Barnard, Pollet, Reed, Ormsby, Doglio and Cheney**

**Clarifying that meals furnished to tenants of senior living communities as part of their rental agreement are not subject to sales and use tax.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1431 was substituted for House Bill No. 1431 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1431 was read the second time.

Representative Jacobsen moved the adoption of amendment (490):

On page 6, after line 3, insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts received for food, drink, or meals

furnished by a senior living community to tenants as part of a rental or residency agreement for which no separate charge is made if the rental or residency agreement constitutes a lease or rental of real estate exempt from taxation under this chapter.

(2) For purposes of this section, "senior living community" means any facility or campus operated under a license or registration issued under chapter 18.20 or 18.390 RCW."

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

Correct the title.

### POINT OF ORDER

Representative Paul requested a scope and object ruling on amendment (490) to SUBSTITUTE HOUSE BILL NO. 1431.

### SPEAKER'S RULING

"The title of the bill is an act relating to clarifying that meals furnished to tenants of senior living communities as part of their rental agreement are not subject to sales and use tax.

The bill exempts food, drink, or meals provided by a senior living community from retail sales and use tax.

Amendment (490) provides a business and occupation tax exemption for food, drink, or meals provided by a senior living community.

The Speaker therefore finds and rules that the amendment is outside the scope of the bill as defined by its title.

The point of order is well taken."

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

Representatives Timmons and Jacobsen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1431.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1431, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Maycumber and Stonier

SUBSTITUTE HOUSE BILL NO. 1431, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1371, by Representatives Barkis, Leavitt, Orcutt, Fey, Barnard, Chapman, Low, Connors, Goehner, Chambers, Chandler, Couture, Griffey, Hutchins, Robertson, Volz, Walsh, Christian, Doglio, Schmick and Gregerson**

**Providing incentives to improve freight railroad infrastructure.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1371 was substituted for House Bill No. 1371 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1371 was read the second time.

Representative Barkis moved the adoption of the striking amendment (399):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that railroads play a crucial role in economic development, serving nearly every industrial, wholesale, retail, and resource-based sector in Washington's economy. The legislature further finds that freight railroad infrastructure is an essential link in the supply chain and provides an efficient way to connect Washington's economy to national and international markets. The legislature further finds that maintenance and improvements to the railroad system are needed to support modern 286,000 pound railcars, foster economic development, increase infrastructure resiliency, avoid supply chain disturbances, and meet carbon reduction goals for transportation greenhouse gases. The legislature intends to provide incentives to the rail industry that can lead to a more effective short line rail system.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.04 RCW to read as follows:

(1) A credit is allowed against taxes due under this chapter for expenditures made by an eligible taxpayer pursuant to subsection (2) of this section.

(2) Qualified expenditures incurred by an eligible taxpayer may be used to generate a credit for the following amounts:

(a) For qualified short line railroad maintenance expenditures, a credit is allowed against the taxes due under this chapter in an amount equal to 50 percent of the qualified short line railroad maintenance expenditures. The amount of the credit may not exceed an amount equal to \$5,000 multiplied by the number of miles of railroad track owned or leased in the state by the eligible taxpayer as of the close of the calendar year.

(b) For qualified new rail development expenditures, a credit is allowed against the taxes due under this chapter in an amount equal to 100 percent of the new rail development expenditures of an eligible taxpayer. The amount of credit earned for new rail development expenditures may not

exceed \$2,000,000 for each eligible taxpayer in a calendar year. Credits are available on a first-in-time basis. The department must disallow any credits, or portions thereof, that would cause the total amount of credits claimed under this subsection (2)(b) during any calendar year to exceed \$15,000,000.

(c) For qualified railroad modernization and rehabilitation expenditures, a credit is allowed against the taxes due under this chapter in an amount equal to 100 percent of the qualified railroad modernization and rehabilitation expenditures by an eligible taxpayer.

(3) The credit claimed may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits. Any amount of credit earned under this section not claimed by the person in one calendar year may be carried forward for no more than five calendar years immediately following the year that the credit was earned.

(4)(a) An eligible taxpayer may assign distribution of all or a portion of the unused credit earned under this section to any taxpayer subject to the tax imposed under this chapter at any time during the year in which the credit is earned and five years following the year that the credit is earned.

(b) To transfer all or any portion of an unused credit earned, the taxpayer originally allowed the credit, and the subsequent transferee must jointly file a credit transfer agreement with the department. The application must include:

(i) The names, addresses, and taxpayer identification numbers of the parties to the transfer;

(ii) The amount of the credit being transferred;

(iii) The year the credit was originally earned by the transferring taxpayer;

(iv) The tax year or years for which the credit may be claimed; and

(v) Any other information or documents the department may require.

(c) No credit transfer applications under (b) of this subsection (4) may be submitted after January 1, 2035.

(5) The department shall administer the credit. The department shall provide a simple credit application form that the department shall post on its website.

(6) No new credits may be earned for qualifying expenditures after January 1, 2035.

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

(a) "Class I railroad" means a railroad that is classified by the United States surface transportation board as a class I railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023.

(b) "Eligible taxpayer" means:

(i) Any railroad subject to the tax under this chapter that is classified by the United States surface transportation board as a class II or class III railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023;

(ii) Any railroad owned by a port, city, or county in the state of Washington; or

(iii) Any owner or lessee of rail siding, industrial spur, or industry track located on or adjacent to a class II or class III railroad in the state of Washington.

(c) "Industrial spur" means a secondary track used by railroads and customers at a location to load and unload railcars without interfering with other railroad operations.

(d) "Qualified new rail development expenditures" means expenditures for new rail development by an eligible taxpayer, which includes the construction of new track, industrial leads, switches, industrial spurs, sidings, rail loading docks, and transloading structures involved with providing rail services to new customer locations or existing customer expansions in the state by an eligible taxpayer.

(e) "Qualified railroad modernization and rehabilitation expenditures" means expenditures by an eligible taxpayer to upgrade less than 90 pound rail and switches, 286,000 capacity rail upgrades to the mainline track, major rail and tie replacement projects, track capacity enhancements, bridge rehabilitation or bridge replacement projects, or other track-related projects determined to enhance or modernize the existing track infrastructure in the state by an eligible taxpayer.

(f) "Qualified short line railroad maintenance expenditures" means expenditures for railroad infrastructure including, but not limited to, rail, ties, tie plates, joint bars, fasteners, switches, ballast, subgrade, roadbed, bridges, industrial leads, sidings, signs, safety barriers, crossing signals and gates, and related track structures owned or leased by a class II or class III railroad.

(g) "Siding" means a short section of track, distinct from a mainline, branch line, or spur, connected by switches to a main track and used for storage, passing, or other purposes.

(8) This section does not apply to class I railroads or short line railroads owned by a class I railroad or any of its subsidiaries.

(9) No person may claim a credit against taxes due under both this chapter and chapter 82.16 RCW for the same qualified expenditures.

(10) This section expires January 1, 2040.

**NEW SECTION. Sec. 3.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Any owner or operator of a class I railroad, or owner of a company that recycles railroad material, is eligible for an exemption from the tax under this chapter in the form of a credit as provided in this section if:

(a) The class I railroad transfers to an eligible taxpayer railroad rail, ties, tie plates, joint bars, fasteners, switches, ballast, or other equipment or materials that are part of the rail infrastructure it has removed from use on the main railroad line to be installed on tracks used by class II and class III railroads; or

(b) The owner of a company that recycles railroad materials transfers to an eligible taxpayer rail, ties, fasteners, switches, ballast, or other equipment or materials that are part of the rail infrastructure to be installed on tracks used by class II and class III railroads.

(2) The credit is equal to the fair market value of the donated materials used for track maintenance, expansion, or modernization. Materials must be given to a qualifying recipient without consideration to receive a credit.

(3)(a) An owner or operator of a class I railroad, or owner of a company that recycles railroad material, may assign distribution of all or a portion of the unused credit earned under this section to any taxpayer subject to the tax imposed under this chapter at any time during the year in which the credit is earned and five years following the year that the credit is earned.

(b) To transfer all or any portion of an unused credit earned, the taxpayer originally allowed the credit and the subsequent transferee must jointly file a credit transfer application with the department. The application must include:

(i) The names, addresses, and taxpayer identification numbers of the parties to the transfer;

(ii) The amount of the credit being transferred;

(iii) The year the credit was originally earned by the transferring taxpayer;

(iv) The tax year or years for which the credit may be claimed; and

(v) Any other information or documents the department may require.

(c) No credit transfer applications under (b) of this subsection (3) may be submitted after January 1, 2035.

(4) The department shall administer the credit. The department shall provide a simple credit application form that the department shall post on its website.

(5) The credit claimed may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits. Any amount of credit earned under this section not claimed by the person in one calendar year may be carried forward for no more than five calendar years immediately following the year that the credit was earned.

(6) No new credits may be earned for qualifying expenditures after January 1, 2035.

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

(a) "Class I railroad" means a railroad that is classified by the United States surface transportation board as a class I railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023.

(b) "Eligible taxpayer" means:

(i) Any railroad subject to the tax under this chapter that is classified by the United States surface transportation board as a class II or class III railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023;

(ii) Any railroad owned by a port, city, or county in the state of Washington; or

(iii) Any owner or lessee of rail siding, industrial spur, or industry track located on or adjacent to a class II or class III railroad in the state of Washington.

(c) "Industrial spur" means a secondary track used by railroads and customers at a location to load and unload railcars without interfering with other railroad operations.

(d) "Siding" means a short section of track, distinct from a mainline, branch line, or spur, connected by switches to a main track and used for storage, passing, or other purposes.

(8) Refunds are not allowed for the credits created in this section.

(9) This section does not apply to short line railroads owned by a class I railroad or any of its subsidiaries.

(10) No person may claim a credit against taxes due under both this chapter and chapter 82.16 RCW for the same donated materials used for track maintenance, expansion, or modernization.

(11) This section expires January 1, 2040.

**NEW SECTION. Sec. 4.** A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of materials required for track maintenance to:

(a) Owners and operators of class II or class III railroads;

(b) Any railroad or freight rail facility owned by a port, city, or county in the state of Washington; or

(c) Any owner or lessee of a rail siding, industrial spur, or industry track located on or adjacent to a class II or class III railroad in the state of Washington.

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

(a) "Class I railroad" means a railroad that is classified by the United States surface transportation board as a class I railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023.

(b) "Class II or class III railroad" means railroads that are classified by the United States surface transportation board as a class II or class III railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023.

(c) "Freight rail facilities" means the infrastructure used to transport freight by rail, specifically to rail yards, terminals, sidings, and marshalling yards that play an important role in the transportation and distribution and shipping of goods over long distances.

(d) "Industrial spur" means a secondary track used by railroads and customers at a location to load and unload railcars without interfering with other railroad operations.

(e) "Materials required for track maintenance" means rail, ties, tie plates, joint bars, fasteners, switches, ballast, subgrade, roadbed, bridges, industrial leads, sidings, signs, safety barriers, crossing signals and gates, and track.

(f) "Siding" means a short section of track, distinct from a mainline, branch

line, or spur, connected by switches to a main track and used for storage, passing, or other purposes.

(3) This section does not apply to class I railroads or short line railroads owned by a class I railroad or any of its subsidiaries.

(4) This section expires January 1, 2035.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to materials required for track maintenance to:

(a) Owners and operators of class II or class III railroads;

(b) Any railroad or freight rail facility owned by a port, city, or county in the state of Washington; or

(c) Any owner or lessee of a rail siding, industrial spur, or industry track located on or adjacent to a class II or class III railroad in the state of Washington.

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

(a) "Class I railroad" means a railroad that is classified by the United States surface transportation board as a class I railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023.

(b) "Class II or class III railroad" means railroads that are classified by the United States surface transportation board as a class II or class III railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023.

(c) "Freight rail facilities" means the infrastructure used to transport freight by rail, specifically to rail yards, terminals, sidings, and marshalling yards that play an important role in the transportation and distribution and shipping of goods over long distances.

(d) "Industrial spur" means a secondary track used by railroads and customers at a location to load and unload railcars without interfering with other railroad operations.

(e) "Materials required for track maintenance" has the same meaning as in section 4 of this act.

(f) "Siding" means a short section of track, distinct from a mainline, branch line, or spur, connected by switches to a main track and used for storage, passing, or other purposes.

(3) This section does not apply to class I railroads or short line railroads owned by a class I railroad or any of its subsidiaries.

(4) This section expires January 1, 2035.

**NEW SECTION. Sec. 6.** A new section is added to chapter 82.16 RCW to read as follows:

(1) A credit is allowed against taxes due under this chapter for expenditures made by an eligible taxpayer pursuant to subsection (2) of this section.

(2) Qualified expenditures incurred by an eligible taxpayer may be used to generate a credit for the following amounts:

(a) For qualified short line railroad maintenance expenditures, a credit is



allowed against the taxes due under this chapter in an amount equal to 50 percent of the qualified short line railroad maintenance expenditures. The amount of the credit may not exceed an amount equal to \$5,000 multiplied by the number of miles of railroad track owned or leased in the state by the eligible taxpayer as of the close of the calendar year.

(b) For qualified new rail development expenditures, a credit is allowed against the taxes due under this chapter in an amount equal to 100 percent of the new rail development expenditures of an eligible taxpayer. The amount of credit earned for new rail development expenditures may not exceed \$2,000,000 for each eligible taxpayer in a calendar year. Credits are available on a first-in-time basis. The department must disallow any credits, or portions thereof, that would cause the total amount of credits claimed under this subsection (2)(b) during any calendar year to exceed \$15,000,000.

(c) For qualified railroad modernization and rehabilitation expenditures, a credit is allowed against the taxes due under this chapter in an amount equal to 100 percent of the qualified railroad modernization and rehabilitation expenditures by an eligible taxpayer.

(3) The credit claimed may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits. Any amount of credit earned under this section not claimed by the person in one calendar year may be carried forward for no more than five calendar years immediately following the year that the credit was earned.

(4)(a) An eligible taxpayer may assign distribution of all or a portion of the unused credit earned under this section to any taxpayer subject to the tax imposed under this chapter at any time during the year in which the credit is earned and five years following the year that the credit is earned.

(b) To transfer all or any portion of an unused credit earned, the taxpayer originally allowed the credit and the subsequent transferee must jointly file a credit transfer application with the department. The application must include:

(i) The names, addresses, and taxpayer identification numbers of the parties to the transfer;

(ii) The amount of the credit being transferred;

(iii) The year the credit was originally earned by the transferring taxpayer;

(iv) The tax year or years for which the credit may be claimed; and

(v) Any other information or documents the department may require.

(c) No credit transfer applications under (b) of this subsection (4) may be submitted after January 1, 2035.

(5) The department shall administer the credit. The department shall provide a simple credit application form that the department shall post on its website.

(6) No new credits may be earned for qualifying expenditures after January 1, 2035.

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

(a) "Class I railroad" means a railroad that is classified by the United States surface transportation board as a class I railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023.

(b) "Eligible taxpayer" means:

(i) Any railroad subject to the tax under this chapter that is classified by the United States surface transportation board as a class II or class III railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023;

(ii) Any railroad owned by a port, city, or county in the state of Washington; or

(iii) Any owner or lessee of rail siding, industrial spur, or industry track located on or adjacent to a class II or class III railroad in the state of Washington.

(c) "Industrial spur" means a secondary track used by railroads and customers at a location to load and unload railcars without interfering with other railroad operations.

(d) "Qualified new rail development expenditures" means expenditures for new rail development by an eligible taxpayer, which includes the construction of new track, industrial leads, switches, industrial spurs, sidings, rail loading docks, and transloading structures involved with providing rail services to new customer locations or existing customer expansions in the state by an eligible taxpayer.

(e) "Qualified railroad modernization and rehabilitation expenditures" means expenditures by an eligible taxpayer to upgrade less than 90 pound rail and switches, 286,000 capacity rail upgrades to the mainline track, major rail and tie replacement projects, track capacity enhancements, bridge rehabilitation or bridge replacement projects, or other track-related projects determined to enhance or modernize the existing track infrastructure in the state by an eligible taxpayer.

(f) "Qualified short line railroad maintenance expenditures" means expenditures for railroad infrastructure including, but not limited to, rail, ties, tie plates, joint bars, fasteners, switches, ballast, subgrade, roadbed, bridges, industrial leads, sidings, signs, safety barriers, crossing signals and gates, and related track structures owned or leased by a class II or class III railroad.

(g) "Siding" means a short section of track, distinct from a mainline, branch line, or spur, connected by switches to a main track and used for storage, passing, or other purposes.

(8) This section does not apply to class I railroads or short line railroads owned by a class I railroad or any of its subsidiaries.

(9) No person may claim a credit against taxes due under both this chapter and chapter 82.04 RCW for the same qualified expenditures.

(10) This section expires January 1, 2040.

**NEW SECTION. Sec. 7.** A new section is added to chapter 82.16 RCW to read as follows:

(1) Any owner or operator of a class I railroad, or owner of a company that recycles railroad material, is eligible for an exemption from the tax under this chapter in the form of a credit as provided in this section if:

(a) The class I railroad transfers to an eligible taxpayer rail, ties, tie plates, joint bars, fasteners, switches, ballast, or other equipment or materials that are part of the rail infrastructure it has removed from use on the main railroad line to be installed on tracks used by class II and class III railroads; or

(b) The owner of a company that recycles railroad materials transfers to an eligible taxpayer rail, ties, tie plates, joint bars, fasteners, switches, ballast, or other equipment or materials that are part of the rail infrastructure to be installed on tracks used by class II and class III railroads.

(2) The credit is equal to the fair market value of the donated materials used for track maintenance, expansion, or modernization. Materials must be given to a qualifying recipient without consideration to receive a credit.

(3) (a) An owner or operator of a class I railroad, or owner of a company that recycles railroad material, may assign distribution of all or a portion of the unused credit earned under this section to any taxpayer subject to the tax imposed under this chapter at any time during the year in which the credit is earned and five years following the year that the credit is earned.

(b) To transfer all or any portion of an unused credit earned, the taxpayer originally allowed the credit, and the subsequent transferee must jointly file a credit transfer application with the department. The application must include:

(i) The names, addresses, and taxpayer identification numbers of the parties to the transfer;

(ii) The amount of the credit being transferred;

(iii) The year the credit was originally earned by the transferring taxpayer;

(iv) The tax year or years for which the credit may be claimed; and

(v) Any other information or documents the department may require.

(c) No credit transfer applications under (b) of this subsection (3) may be submitted after January 1, 2035.

(4) The department shall administer the credit. The department shall provide a simple credit application form that the department shall post on its website.

(5) The credit claimed may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits. Any amount of credit earned under this section not claimed by the person in one calendar year may be carried forward for no more than five calendar years immediately following the year that the credit was earned.

(6) No new credits may be earned for qualifying expenditures after January 1, 2035.

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

(a) "Class I railroad" means a railroad that is classified by the United States surface transportation board as a class I railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023.

(b) "Eligible taxpayer" means:

(i) Any railroad subject to the tax under this chapter that is classified by the United States surface transportation board as a class II or class III railroad, as defined in 49 C.F.R. Sec. 1201.1-1(a), as in effect on January 1, 2023;

(ii) Any railroad owned by a port, city, or county in the state of Washington; or

(iii) Any owner or lessee of rail siding, industrial spur, or industry track located on or adjacent to a class II or class III railroad in the state of Washington.

(c) "Industrial spur" means a secondary track used by railroads and customers at a location to load and unload railcars without interfering with other railroad operations.

(d) "Siding" means a short section of track, distinct from a mainline, branch line, or spur, connected by switches to a main track and used for storage, passing, or other purposes.

(8) The credit claimed may not exceed the tax that would otherwise be due under this chapter. Refunds may not be granted in the place of credits. Any amount of credit earned under this section not claimed by the person in one calendar year may be carried forward for no more than five calendar years immediately following the year that the credit was earned.

(9) This section does not apply to short line railroads owned by a class I railroad or any of its subsidiaries.

(10) No person may claim a credit against taxes due under both this chapter and chapter 82.04 RCW for the same donated materials used for track maintenance, expansion, or modernization.

(11) This section expires January 1, 2040.

**NEW SECTION. Sec. 8.** (1) This section is the tax preference performance statement for the tax preferences contained in chapter . . . , Laws of 2023 (this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes the tax preferences in this act as ones intended to accomplish a general purpose, as indicated in RCW 82.32.808(2)(f), which is to promote economic development throughout Washington.

(3) It is the legislature's specific public policy objective to encourage and expand economic development by incentivizing investment in Washington's railroad infrastructure.

(4) The legislature intends to extend the expiration date of the tax preferences in this act if a review finds that freight rail system in the state has been maintained or improved. In conducting its review under this section, the joint legislative audit

and review committee should consider, among other measures:

(a) The total miles capable of transporting 286,000-pound railcars;

(b) The number of miles of track rehabilitated to 90-pound rail or greater;

(c) The number of ties replaced;

(d) The amount of ballast replaced;

(e) The number of bridges returned from out of service or able to operate heavier loaded equipment;

(f) The number of switches installed;

(g) Any related safety benefits of addressing at-grade crossings;

(h) The number of rail cars from increased economic activity;

(i) Any improvement in federal railroad administration track classification designation up to and including class II track and the ability to operate at greater speeds; and

(j) The amount of steel or ties made obsolete pursuant to section 2 of this act that are reused by a class II or class III railroad, as defined in section 5 of this act, within Washington.

(5) In order to obtain the data necessary to perform a review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

NEW SECTION. **Sec. 9.** Sections 4, 5, and 8 of this act take effect August 1, 2023.

NEW SECTION. **Sec. 10.** Sections 3 and 7 of this act take effect July 1, 2024.

NEW SECTION. **Sec. 11.** Sections 1, 2, and 6 of this act take effect January 1, 2025."

Correct the title.

Representative Barkis moved the adoption of amendment (489) to the striking amendment (399):

On page 2, line 26 of the striking amendment, after "transfer" strike "agreement" and insert "application"

On page 3, line 35 of the striking amendment, after "mainline track," strike "major"

On page 4, at the beginning of line 24 of the striking amendment, strike "railroad"

On page 4, line 29 of the striking amendment, after "ties," insert "tie plates, joint bars,"

On page 6, beginning on line 12 of the striking amendment, strike all of subsection (8)

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

On page 6, at the beginning of line 18 of the striking amendment, strike "used for

track maintenance, expansion, or modernization"

On page 10, line 28 of the striking amendment, after "mainline track," strike "major"

On page 13, beginning on line 7 of the striking amendment, strike all of subsection (8)

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

On page 13, at the beginning of line 17 of the striking amendment, strike "used for track maintenance, expansion, or modernization"

On page 14, line 23 of the striking amendment, after "Sections" strike "1, 2," and insert "2"

Representatives Barkis and Leavitt spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (489) to the striking amendment (399) was adopted.

Representatives Barkis and Leavitt spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (399), 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 Barkis and Leavitt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1371.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1371, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Berry, Chopp, Macri and Reed  
Excused: Representatives Chandler and Maycumber

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1371, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1573, by Representatives Rule, Corry, Timmons, Leavitt, Walen, Shavers, Lekanoff, Chapman, Dye, Springer, Reeves, Barnard, Eslick and Sandlin**

**Extending tax preferences for dairy, fruit and vegetable, and seafood processors.**

The bill was read the second time.

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

Representatives Rule, Corry, Ybarra and Wilcox spoke in favor of the passage of the bill.

Representative Pollet spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1573.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1573, and the bill passed the House by the following vote: Yeas, 77; Nays, 19; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Barkis, Barnard, Berg, Bergquist, Bronoske, Caldier, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Couture, Davis, Dent, Donaghy, Duerr, Dye, Eslick, Fey, Fitzgibbon, Goehner, Goodman, Graham, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, McClintock, McEntire, Morgan, Mosbrucker, Orcutt, Orwall, Paul, Peterson, Ramel, Reeves, Riccelli, Robertson, Rude, Rule, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Alvarado, Bateman, Berry, Callan, Cortes, Doglio, Entenman, Farivar, Fosse, Gregerson, Macri, Mena, Ormsby, Ortiz-Self, Pollet, Ramos, Reed, Ryu and Thai

Excused: Representatives Chandler and Maycumber

HOUSE BILL NO. 1573, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1812, by Representatives Springer, Stokesbary, Chopp and Chapman**

**Continuing the business and occupation tax deduction for federal funds received from a medicaid transformation or demonstration project or medicaid quality improvement program or standard.**

The bill was read the second time.

With the consent of the House, amendment (072) was withdrawn.

Representative Springer moved the adoption of the striking amendment (104):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.43395 and 2019 c 350 s 1 are each amended to read as follows:

(1) An accountable community of health may deduct from the measure of tax delivery system reform incentive payments, medicaid transformation project funding, or both, distributed by the Washington state health care authority, as described in Sec. 1115

medicaid demonstration project number 11-W-00304/0, as approved by the centers for medicare and medicaid services in accordance with Sec. 1115(a) of the social security act.

(2) A hospital that is owned by a municipal corporation or political subdivision, or a hospital that is affiliated with a state institution, may deduct from the measure of tax either or both of the following:

(a) Incentive payments received through the medicaid quality improvement program established through 42 C.F.R. 438.6(b)(2) (~~as existing on July 28, 2019~~);

(b) Delivery system reform incentive payments, medicaid transformation project funding, or both, received through the project described in Sec. 1115 medicaid demonstration project number 11-W-00304/0, as approved by the centers for medicare and medicaid services in accordance with Sec. 1115(a) of the social security act.

(3) Managed care organizations may deduct from the measure of tax the incentive payments received for achieving quality performance standards established through 42 C.F.R. 438.6(b)(2), as existing on July 28, 2019.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Accountable community of health" means (~~(an entity designated by the health care authority as a community of health under RCW 41.05.800 and any additional accountable communities of health authorized by the health care authority)~~) a regional nonprofit designated by the health care authority to work together with the health care delivery system, health plans, public health, social services, community-based organizations, the justice system, schools, tribal partners, and local government leaders to improve the health equity of their communities as part of Sec. 1115 medicaid demonstration project number 11-W-00304/0.

(b) "Managed care organization" has the same meaning as provided in RCW 74.60.010.

NEW SECTION. Sec. 2. RCW 82.32.805 and 82.32.808 do not apply to this act." Correct the title.

Representatives Springer and Stokesbary spoke in favor of the adoption of the striking amendment.

The striking amendment (104) 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 Springer and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1812.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1812, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Maycumber

ENGROSSED HOUSE BILL NO. 1812, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1768, by Representatives Shavers, Barnard, Chapman and Ramel**

**Exempting certain sales of electricity to qualifying green businesses from the public utilities tax.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1768 was substituted for House Bill No. 1768 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1768 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 Shavers and Barnard spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Griffey, Representative Mosbrucker was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1768.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1768, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Chopp

Excused: Representatives Chandler, Maycumber and Mosbrucker

SUBSTITUTE HOUSE BILL NO. 1768, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1756, by Representatives Ramel, Klicker, Duerr, Rude, Schmidt, Reed, Kloba, Doglio, Senn, Ryu and Macri**

**Supporting clean energy through tax changes that increase revenue to local governments, schools, and impacted communities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1756 was substituted for House Bill No. 1756 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1756 was read the second time.

Representative Orcutt moved the adoption of amendment (488):

On page 1, line 10, after "purpose." insert "The grant of a personal property tax exemption pursuant to this section may not result in a shift of the tax but must result in a reduction in the amount of property taxes levied for state purposes."

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

Representative Ramel spoke against the adoption of the amendment.

Amendment (488) 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 Ramel, Klicker and Dye spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Ramel, Representatives Reed and Fey were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1756.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1756, and the bill passed the House by the following vote: Yeas, 81; Nays, 12; Absent, 0; Excused, 5

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Christian, Connors, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reeves, Riccelli, Robertson, Rude, Ryu, Sandlin, Santos, Schmick, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Walen, Walsh, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Chopp, Corry, Couture, Graham, Paul, Rule, Schmidt, Shavers, Stokesbary, Timmons, Volz and Ybarra

Excused: Representatives Chandler, Fey, Maycumber, Mosbrucker and Reed

SUBSTITUTE HOUSE BILL NO. 1756, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1175, by Representatives Doglio, Dye and Leavitt**

**Creating a state financial assurance program for petroleum underground storage tanks.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1175 was substituted for House Bill No. 1175 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1175 was read the second time.

Representative Doglio moved the adoption of amendment (151):

On page 9, line 16, after "under" strike "section 7 of"

On page 11, after line 4 insert the following:

"(3) The agency is authorized to recover the costs of remedial actions conducted by the agency under this act, including the use of cost recovery options in the model toxics control act, chapter 70A.305 RCW, or other applicable state or federal laws."

Representatives Doglio and Dye spoke in favor of the adoption of the amendment.

Amendment (151) 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 Doglio and Dye spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

**MOTION**

On motion of Representative Ramel, Representative Chopp was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1175.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1175, and the bill passed the House by the following vote: Yeas, 63; Nays, 31; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Caldier, Chambers, Cheney, Christian, Connors, Eslick, Graham, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Low, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Timmons, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Chandler, Chopp, Fey and Maycumber

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1175, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1729, by Representatives Abbarno, Klicker, Volz, Orcutt, Schmidt and Cheney**

**Creating and expanding tax incentives for the research, development, production, and sale of hydrogen fuel products in Washington state.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1729 was substituted for House Bill No. 1729 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1729 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 Abbarno and Ramel spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1729.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1729, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Chopp, Fey and Maycumber

SUBSTITUTE HOUSE BILL NO. 1729, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., Friday, March 17, 2023, the 68th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SIXTY EIGHTH DAY

House Chamber, Olympia, Friday, March 17, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4628**, by Representatives Fitzgibbon, Mosbrucker, Thai, Slatter, Bronoske, Leavitt, Ryu, Orwall, Rule, Tharinger, Corry, Berry, Davis, Reeves, Robertson, Taylor, Chapman, Kloba, and Callan

WHEREAS, On March 17th, during the annual celebration of the Feast of Saint Patrick, the Patron Saint of Ireland, Irish Americans join with men, women, and children of all other ethnic origins who, for one day, become Irish and celebrate Saint Patrick and a love for Ireland; and

WHEREAS, On Saint Patrick's Day, all who wear green live for a day in the spirit of Saint Patrick, Bridget, and Columcille whose 1,500th anniversary was in the last year; and

WHEREAS, Irish immigrants to the United States helped form the cultural foundation of the nation and those of Irish lineage today proudly sing support for Ireland; and

WHEREAS, The first documented Irish presence in the State of Washington dates to the expeditions of Captain Vancouver and the Lewis and Clark Corps of Discovery; and

WHEREAS, Spokane is among the top 10 major cities in the United States in terms of percentage of residents with Irish ancestry; and

WHEREAS, We celebrate the establishment of the American Irish State Legislators Caucus with its aim of fostering and strengthening the longstanding relationship that exists between the United States of America and Ireland to the mutual benefit of both countries with leadership in all 50 states; and

WHEREAS, The songs of Ireland are the tragic songs of love and the joyous songs of battle: The nostalgic reveries of the sorrows and the glories that are the Emerald Isle; and the lamentations of life's myriad travails and the odes to joy and the life eternal;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commemorate the celebration of the Feast of Saint Patrick, the Patron Saint of Ireland; and

BE IT FURTHER RESOLVED, That the Chief Clerk is directed to transmit a duly certified copy of this resolution to Senator Mark Daly, chair of the Senate of Ireland.

There being no objection, HOUSE RESOLUTION NO. 4628 was adopted.

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

## INTRODUCTION &amp; FIRST READING

**HB 1846** by Representatives Fey, Barkis, Lekanoff, Ramel, Hutchins, Tharinger and Calder

AN ACT Relating to addressing vessel procurement at the Washington state ferries; amending RCW 47.60.810, 47.60.010, and 47.56.030; adding a new section to chapter 47.60 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

## REPORTS OF STANDING COMMITTEES

March 16, 2023

SB 5031

Prime Sponsor, Senator Wellman:  
Concerning safety net award distributions.  
Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

March 16, 2023

SSB 5033

Prime Sponsor, Law & Justice: Reclassifying the sentence for the crime of custodial sexual misconduct. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

March 16, 2023

SB 5070

Prime Sponsor, Senator Nobles: Concerning victims of nonfatal strangulation. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

March 15, 2023

E2SSB 5112

Prime Sponsor, Transportation: Updating processes related to voter registration. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 29A.08 RCW to read as follows:

A person applying for government services which require proof of citizenship as part of that application may receive automatic voter registration services by providing the following information:

- (1) Name;
- (2) Residential address;
- (3) Date of birth;
- (4) A signature attesting to the truth of the information provided on the application;
- (5) An address where the person receives mail, if different from the residence address; and
- (6) Presentation of documentation as part of another government transaction confirming the individual is a United States citizen.

**Sec. 2.** RCW 29A.08.010 and 2019 c 6 s 1 are each amended to read as follows:

(1) The minimum required information provided on a voter registration application ~~((that is required))~~ in order to place a voter registration applicant on the voter registration rolls includes:

- (a) Name;
- (b) Residential address;
- (c) Date of birth;
- (d) A signature attesting to the truth of the information provided on the application; ~~((and))~~
- (e) An address where the person receives mail, if different from the residence address; and
- (f) Affirmation of citizenship which confirms the individual is a United States citizen, in one of the following forms:
  - (i) A check or indication in the box on a voter registration form confirming ~~((the individual is a United States citizen))~~ citizenship; or
  - (ii) Presentation of documents as part of another government transaction confirming citizenship.

(2) The residential address provided must identify the actual physical residence of the voter in Washington, as defined in RCW 29A.04.151, with detail sufficient to allow the voter to be assigned to the proper precinct and to locate the voter to confirm his or her residence for purposes of verifying qualification to vote under Article VI, section 1 of the state Constitution. A residential address may be either a traditional address or a nontraditional address.

(a) A traditional address consists of a street number and name, optional apartment number or unit number, and city or town, as assigned by a local government, which serves to identify the parcel or building of residence and the unit if a multiunit residence.

(b) A nontraditional address consists of a narrative description of the location of the voter's residence, and may be used when a traditional address has not been assigned or affixed to the voter's residence or when a voter resides on an Indian reservation or

Indian lands, pursuant to the conditions in RCW 29A.08.112.

(3) All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote.

(4) Modification of the language of the official Washington state voter registration form by the voter will not be accepted and will cause the rejection of the registrant's application.

**Sec. 3.** RCW 29A.08.030 and 2009 c 369 s 7 are each amended to read as follows:

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

(1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration. The verification notice must be designed to include a postage prepaid, preaddressed return form by which the applicant may verify or send information.

(2) "Acknowledgment notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction or an automatic voter registration transaction, which can include initial registration, ~~((transfer))~~ residential address change, or reactivation of an inactive registration, identifying the registrant's precinct and containing such other information as may be required by the secretary of state. An acknowledgment notice may be a voter registration card.

(3) "Automatic voter registration acknowledgment notice package" means a package of information sent by nonforwardable mail by the county auditor, to a registered voter who utilized the automatic voter registration process at the department of licensing, to acknowledge a voter registration transaction, which can include initial registration, residential address change, or reactivation of an inactive registration. The package must include:

(a) A postage prepaid, preaddressed return form by which the individual may decline to be registered to vote or decline the update;

(b) A statement explaining that the person has become registered to vote or signed up to register to vote, as appropriate, setting forth the qualifications to vote, stating that if the individual does not meet the qualifications to vote, the person shall return the notice and affirmatively decline in writing to register to vote, and that if the person wishes to cancel the voter registration at any time, that the person may contact their county auditor to do so;

(c) Instructions regarding how an individual can obtain more information about the notice and assistance in the individual's preferred language, including languages as set forth in RCW 29A.08.270;

(d) An acknowledgment notice; and

(e) Other information required by the secretary of state.



(4) "Identification notice" means a notice sent to a provisionally registered voter to confirm the applicant's identity.

~~((4))~~(5) "Confirmation notice" means a notice sent to a registered voter by first-class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed to include a postage prepaid, preaddressed return form by which the registrant may verify the address information.

**Sec. 4.** RCW 29A.08.110 and 2020 c 208 s 14 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.170, 29A.08.330, 29A.08.340, 29A.08.362, and 29A.08.365, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of:

(a) The original date of receipt;

(b) When the person will be at least eighteen years old by the next election; ~~((or))~~

(c) When the person will be at least seventeen years old by the next primary election or presidential primary election and eighteen years old by the general election, whichever is applicable; or

(d) For voters utilizing automatic voter registration under section 1 of this act at the department of licensing, the date that an election official receives the information to register the person to vote, unless:

(i) The voter declines registration by the deadline in RCW 29A.08.359(4)(a); or

(ii) An election official receives the information to register the person to vote after the deadline to register to vote under RCW 29A.08.140(1)(a), in which case the applicant is considered to be registered to vote as of the day after the election.

(2) As soon as practicable, the auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. The secretary of state shall, pursuant to RCW 29A.04.611, establish procedures to enable new or updated voter registrations to be recorded on an expedited basis. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. ~~((Within sixty))~~

(3) The voter must be sent an acknowledgment notice using first-class nonforwardable mail:

(a) For voters utilizing automatic voter registration services at the department of licensing, within five business days after the receipt of an application or residential address change, or, if the application or residential address change is received after the deadline to register to vote or update a voter registration under RCW 29A.08.140 (1)(a) or (2)(a)(i), within five business days after the election, the auditor shall send

an automatic voter registration acknowledgment notice package as required by RCW 29A.08.030.

(b) For all other voters, within 60 days after the receipt of an application or ~~((transfer))~~residential address change, the auditor shall send ~~((to the applicant, by first-class nonforwardable mail,))~~ an acknowledgment notice ~~((identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable))~~as required by RCW 29A.08.030.

~~((3))~~(4) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

~~((4))~~(5) Once a future voter is no longer in pending status, as described in RCW 29A.08.615, his or her application to sign up to register to vote is no longer pending and is subject to this section.

**Sec. 5.** RCW 29A.08.125 and 2018 c 109 s 7 are each amended to read as follows:

(1) The office of the secretary of state shall maintain a statewide voter registration database. This database must be a centralized, uniform, interactive computerized statewide voter registration list that contains the name and registration information of every registered voter in the state.

(2) The statewide list is the official list of registered voters for the conduct of all elections.

(3) The statewide list must include, but is not limited to, the name, date of birth, residence address, signature, gender, and date of registration of every legally registered voter in the state.

(4) A unique identifier must be assigned to each registered voter in the state.

(5) The database must be coordinated with other government databases within the state including, but not limited to, the department of corrections, the department of licensing, the department of health, ~~((the administrative office of the courts,))~~ and county auditors. The database may also be coordinated with the databases of election officials in other states.

(6) Authorized employees of the secretary of state and each county auditor must have immediate electronic access to the information maintained in the database.

(7) Voter registration information received by each county auditor must be electronically entered into the database. The office of the secretary of state must provide support, as needed, to enable each county auditor to enter and maintain voter

registration information in the state database.

(8) The secretary of state has data authority over all voter registration data.

(9) The voter registration database must be designed to accomplish at a minimum, the following:

(a) Comply with the help America vote act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against any available databases maintained by other government agencies to identify voters who are ineligible to vote due to serving a sentence of total confinement as the result of a felony conviction, lack of citizenship, or a court finding of mental incompetence;

(e) Provide images of voters' signatures for the purpose of checking signatures on initiative and referendum petitions;

(f) Provide for a comparison between the voter registration database and the department of licensing change of address database;

(g) Provide access for county auditors that includes the capability to update registrations and search for duplicate registrations;

(h) Provide for the cancellation of registrations of voters who have moved out of state; and

(i) Provide for the storage of pending registration records for all future voters who have not yet reached eighteen years of age in a manner that these records will not appear on the official list of registered voters until the future registrant is no longer in pending status as defined under RCW 29A.08.615.

(10) The secretary of state may, upon agreement with other appropriate jurisdictions, screen against any available databases maintained by election officials in other states and databases maintained by federal agencies including, but not limited to, the federal bureau of investigation, the federal court system, the federal bureau of prisons, and the bureau of citizenship and immigration services.

(11) The database shall retain information regarding previous successful appeals of proposed cancellations of registrations in order to avoid repeated cancellations for the same reason.

(12) Each county auditor shall maintain a list of all registered voters within the county that are contained on the official statewide voter registration list. In addition to the information maintained in the statewide database, the county database must also maintain the applicable taxing district and precinct codes for each voter in the county, and a list of elections in which the individual voted.

(13) Each county auditor shall allow electronic access and information transfer between the county's voter registration system and the official statewide voter registration list.

**Sec. 6.** RCW 29A.08.210 and 2020 c 208 s 3 are each amended to read as follows:

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

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

~~(2))~~ (2) The applicant's full name;

~~((3))~~ (3) The applicant's date of birth;

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

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

~~((6))~~ (6) The ~~((sex))~~ gender of the applicant;

~~(6) The former address of the applicant if previously registered to vote;~~

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

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

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

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

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

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

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

~~((12))~~ (12) The following warning:

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

~~((13))~~ (13) The oath required by RCW 29A.08.230 and a space for the applicant's signature; and

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

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

**Sec. 7.** RCW 29A.08.220 and 2013 c 11 s 13 are each amended to read as follows:

(1) The secretary of state shall specify by rule the format of all voter registration applications. These applications shall be compatible with existing voter registration

records. An applicant for voter registration shall be required to complete only one application and to provide the required information other than ~~((his or her))~~ the applicant's signature no more than one time. These applications shall also contain ~~((information))~~ instructions for the voter to use the form to update ~~((his or her))~~ information related to the voter's voter registration.

(2) Any application format specified by the secretary for use in registering to vote in state and local elections shall satisfy the requirements of the National Voter Registration Act of 1993 (P.L. 103-31) and the Help America Vote Act of 2002 (P.L. 107-252) for registering to vote in federal elections.

**Sec. 8.** RCW 29A.08.260 and 2013 c 11 s 15 are each amended to read as follows:

(1) All registration applications required under RCW 29A.08.210 and 29A.08.340 shall be produced and furnished by the secretary of state to the county auditors and the department of licensing.

(2) The county auditor shall distribute forms by which a person may register to vote by mail and ~~((transfer))~~ update the address for any previous registration in this state. The county auditor shall keep a supply of voter registration forms in ~~((his or her))~~ the auditor's office at all times for ~~((political parties and others))~~ people and organizations interested in assisting in voter registration, and shall make every effort to make these forms generally available to the public. The county auditor shall provide voter registration forms to city and town clerks, state offices, schools, fire stations, public libraries, and any other locations considered appropriate by the auditor or secretary of state for extending registration opportunities to all areas of the county. After the initial distribution of voter registration forms to a given location, a representative designated by the official in charge of that location shall notify the county auditor of the need for additional voter registration supplies.

**Sec. 9.** RCW 29A.08.270 and 2003 c 111 s 139 are each amended to read as follows:

In order to encourage the broadest possible voting participation by all eligible citizens, the secretary of state shall produce voter registration information in the ~~((foreign))~~ various languages required of state agencies.

**Sec. 10.** RCW 29A.08.320 and 2004 c 267 s 119 and 2004 c 266 s 7 are each reenacted and amended to read as follows:

For persons not performing an automatic voter registration transaction subject to section 1 of this act:

(1) A person may register to vote or ~~((transfer))~~ update their residential address information for a voter registration when ~~((he or she applies))~~ applying for service or assistance and with each renewal, recertification, or change of address at agencies designated under RCW 29A.08.310.

(2) A prospective applicant shall initially be offered a form approved by the secretary of state designed to determine whether the person wishes to register to vote. The form must comply with all applicable state and federal statutes regarding content.

The form shall also contain a box that may be checked by the applicant to ~~((indicate that he or she))~~ decline((s)) to register at the time of the transaction.

If the person indicates an interest in registering or has made no indication as to a desire to register or not register to vote, the person shall be given a mail-in voter registration application or a prescribed agency application as provided by RCW 29A.08.330.

**Sec. 11.** RCW 29A.08.330 and 2020 c 208 s 5 are each amended to read as follows:

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to ~~((indicate that he or she))~~ decline((s)) to register at this time, or the agency may use a separate form or process approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client ~~((whenever he or she applies))~~ at the time of application for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.

(3) ~~(a)~~ The person providing service at the agency shall determine if the prospective applicant wants to register to vote or update ~~((his or her))~~ the applicant's voter registration by asking the following question of all applicants age 16 or older:

"Do you want to register or sign up to vote or update your voter registration?"

~~(b)~~ If the applicant chooses to register, sign up, or update a registration, the service agent shall ask the following:

~~((a))~~ "Are you a United States citizen?"

~~((b))~~ "Are you at least sixteen years old?"

If the applicant answers in the affirmative ~~((to both questions))~~, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to sign up to vote, register to vote, or update a voter registration. If the applicant answers in the negative to ~~((either))~~ the question, the agent shall not provide the applicant with a voter registration application.

(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods

to capture simultaneously the information required for voter registration during a person's computerized application process.

(5) Each designated agency shall transmit the applications to the secretary of state or appropriate county auditor within three business days and must be received by the election official by the required voter registration deadline.

(6) Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

**Sec. 12.** RCW 29A.08.340 and 2013 c 11 s 17 are each amended to read as follows:

(1) A person ~~not performing an automatic voter registration transaction under section 1 of this act~~ may register to vote or update ~~((his or her))the person's existing voter registration when ((he or she applies for or renews))~~ applying for or renewing a driver's license or identification card under chapter 46.20 RCW.

(2) To register to vote or update a registration, the applicant shall provide the information required by RCW 29A.08.010.

(3) The driver licensing agent shall record that the applicant has requested to register to vote or update a voter registration.

**Sec. 13.** RCW 29A.08.350 and 2018 c 110 s 106 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested ~~((a))to register to vote or update the individual's existing voter registration ((or update))~~ at a driver's license facility: The name, address, date of birth, any gender ~~((e))~~ information provided by the applicant, the driver's license number, signature image, any language preference information collected, any phone number provided by the voter, any email address provided by the voter, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application. If requested by the secretary of state, the department shall provide copies of the documents submitted to prove citizenship for an individual subject to this section.

**Sec. 14.** RCW 29A.08.355 and 2020 c 208 s 7 are each amended to read as follows:

(1) The department of licensing must ~~((allow a person age eighteen years or older to be registered to vote or update voter registration information))~~ collect and transmit to the secretary of state voter registration information for all citizens applying for, renewing, or updating an enhanced driver's license or enhanced identicard by automated process at the time of registration, renewal, or change of address if:

(a) The person meets requirements for voter registration;

(b) The person has received or is renewing an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or enhanced identicard pursuant to RCW 46.20.205; and

(c) The department of licensing record associated with the applicant contains:

(i) The data required to determine whether the applicant meets requirements for voter registration under RCW 29A.08.010;

(ii) Other information as required by the secretary of state; and

(iii) A signature image.

(2) The department of licensing must ~~((allow a person sixteen or seventeen))~~ collect and transmit to the secretary of state voter registration information for all citizens applying for, renewing, or updating an enhanced driver's license or enhanced identicard 16 or 17 years of age ((to be signed up to register to vote by automated process at the time of registration, renewal, or change of address)) if:

(a) The person meets requirements to sign up to register to vote;

(b) The person has received or is renewing an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or enhanced identicard pursuant to RCW 46.20.205; and

(c) The department of licensing record associated with the applicant contains:

(i) The data required to determine whether the applicant meets the requirements for voter registration under RCW 29A.08.210, other than age;

(ii) Other information as required by the secretary of state; and

(iii) A signature image.

~~((3) The person must be informed that his or her record will be used for voter registration and offered an opportunity to decline to register.))~~

**Sec. 15.** RCW 29A.08.357 and 2018 c 110 s 103 are each amended to read as follows:

(1) ~~((If the applicant is))~~ For applicants served under RCW 29A.08.355 ((does not decline registration)), the application is submitted pursuant to RCW 29A.08.350 and marked as an automatic voter registrant.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

**Sec. 16.** RCW 29A.08.359 and 2020 c 208 s 18 are each amended to read as follows:

(1) (a) For persons age eighteen years and older registering under RCW 29A.08.355(1), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the original date of issuance or renewal or date of change of address of an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or change of address for an existing enhanced

driver's license or enhanced identicard pursuant to RCW 46.20.205.

(b) For persons sixteen or seventeen years of age registering under RCW 29A.08.355(2), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the date set forth in RCW 29A.08.110(1).

(c) The information must be transmitted ~~((in an expedited manner and must be received by an election official by the required voter registration deadline))~~ daily to the secretary of state. ~~((The))~~

(i) If the information shows no name change or change of residence or mailing address for an existing voter registration, the auditor may choose to send the voter an acknowledgment notice.

(ii) If the information is an application for new registration or updates any element of an existing voter registration, the auditor shall update the voter's record and, if the information updates the voter's name, residence address, or mailing address, record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list and send an automatic voter registration acknowledgment notice package within five business days of the original application, or, if the information is received after the deadline to register to vote or update a voter registration under RCW 29A.08.140 (1)(a) or (2)(a)(i), within five business days after the election. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. ~~((Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.))~~

(d) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the ~~((first-class))~~ mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant responds to the automatic voter

registration acknowledgment notice and declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4)(a) For new registrants who decline registration in a reply that is received by the auditor within 15 days from the date of mailing of the automatic voter registration acknowledgment notice package, the voter registration record shall be removed from the list of registered voters, and the person is deemed to have never registered to vote.

(b) If the reply declining registration is received after the deadline, the auditor shall cancel the voter's registration.

(5) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in RCW 29A.08.355 with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

**Sec. 17.** RCW 29A.08.362 and 2018 c 110 s 201 are each amended to read as follows:

~~((Beginning July 1, 2019, the))~~ The health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants who affirmatively indicate that they are interested in registering to vote, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for voter registration purposes:

- (a) Names;
- (b) Traditional or nontraditional residential addresses;
- (c) Mailing addresses, if different from the traditional or nontraditional residential address; and
- (d) Dates of birth.

(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the person's signature when available from the department of licensing and establish other criteria and procedures that are secure and compliant with federal and state voter registration and privacy laws and rules.

~~((If applicable, the health benefit exchange shall report any known barriers or impediments to implementation of this section to the appropriate committees of the legislature and the governor no later than December 1, 2018.~~

~~((If the health benefit exchange determines, in consultation with the health care authority, that implementation of chapter 110, Laws of 2018 requires changes subject to approval from the centers for medicare and medicaid services, participation of the health benefit exchange is contingent on receiving that approval.))~~ If the health benefit exchange

determines, in consultation with the health care authority, that implementation of an automatic voter registration system requires approval from the centers for medicare and medicaid services, then any implementation is contingent on receiving that approval.

**Sec. 18.** RCW 29A.08.365 and 2018 c 110 s 202 are each amended to read as follows:

(1) The governor shall make a decision, in consultation with the office of the secretary of state, as to whether each agency identified in subsection ~~((3))~~(2) of this section shall implement automatic voter registration. The final decision is at the governor's sole discretion.

~~(2) ((a) Each agency identified in subsection (3) of this section shall submit a report to the governor and appropriate legislative committees no later than December 1, 2018, describing:~~

~~(i) Steps needed to implement automatic voter registration under chapter 110, Laws of 2018 by July 1, 2019;~~

~~(ii) Barriers to implementation, including ways to mitigate those barriers; and~~

~~(iii) Applicable federal and state privacy protections for voter registration information.~~

~~(b) In preparing the report required under this subsection, the agency may consult with the secretary of state's office to determine automatic voter registration criteria and procedures.~~

~~(3))~~ This section applies to state agencies, other than the health benefit exchange, providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collect, process, and store the following information as part of providing assistance or services:

(a) Names;

(b) Traditional or nontraditional residential addresses;

(c) Dates of birth;

(d) A signature attesting to the truth of the information provided on the application for assistance or services; and

(e) Verification of citizenship information, via social security administration data match or manually verified by the agency during the client transaction.

~~((4))~~(3) Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.

~~((5))~~(4) Agencies may not begin verifying citizenship as part of an agency transaction for the sole purpose of providing automatic voter registration.

**Sec. 19.** RCW 29A.08.370 and 2018 c 110 s 203 are each amended to read as follows:

(1) If a person who is ineligible to vote becomes, in the rare occasion, registered to vote under RCW 29A.08.355 or 29A.08.362 in the absence of a knowing violation by that person of RCW 29A.84.140, that person shall be deemed to have performed an authorized act of registration and such act may not be

considered as evidence of a claim to citizenship.

(2) Unless a person willfully and knowingly votes or attempts to vote knowing that he or she is not entitled to vote, a person who is ineligible to vote and becomes registered to vote under RCW 29A.08.355 or 29A.08.362, and subsequently votes or attempts to vote in an election held after the effective date of the person's registration, is not guilty of violating RCW 29A.84.130, and shall be deemed to have performed an authorized act, and such act may not be considered as evidence of a claim to citizenship.

(3) A person who is ineligible to vote, who successfully completes the voter registration process under RCW 29A.08.355 or 29A.08.362 or votes in an election, must have their voter registration, or record of vote, removed from the voter registration database and any other application records.

(4) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause. If the cause is found to be intentional registration of ineligible persons by a person employed by the state or county government tasked with assisting the public with voter registration, that government employee is subject to the penalties of RCW 29A.84.110.

**Sec. 20.** RCW 46.20.153 and 2001 c 41 s 15 are each amended to read as follows:

The department shall post signs at each driver licensing facility advertising the availability of voter registration services, of automatic voter registration services for enhanced license and enhanced identification card applicants, and advising of the qualifications to register to vote. The information shall be visible to a person conducting a licensing transaction at the time of the transaction, either as a sign, or as a placard handed to the voter for review. Copies of the information shall be available in the various languages required of state agencies.

**Sec. 21.** RCW 46.20.155 and 2020 c 208 s 8 are each amended to read as follows:

(1) ~~((Before))~~(a) For transactions other than enhanced driver's license or enhanced identicard applicants, before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

The department of licensing, with the approval of the secretary of state, may direct licensing agents to ask a substantially similar question designed to improve applicant understanding.

(b) If the applicant chooses to register, sign up, or update a registration, the agent shall ask the following:

~~((1))~~ "Are you a United States citizen?"

~~((2)) "Are you at least sixteen years old?"~~)

If the applicant answers in the affirmative to ~~((both))~~ the question~~((s))~~, the agent shall then submit the registration, sign up form, or update. If the applicant answers in the negative to ~~((either))~~ the question, the agent shall not submit an application. Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

(3) If an applicant presents a document demonstrating that the applicant is not a United States citizen at the time of the driver's license or identicard transaction, the licensing agent shall not ask the questions described in subsection (1) of this section, and shall not submit an application. The department, in consultation with the secretary of state, shall determine which types of documents accepted by the department for purposes of a driver's license or identicard transaction demonstrate that an applicant is not a United States citizen at the time of the transaction.

**Sec. 22.** RCW 46.20.156 and 2020 c 208 s 21 are each amended to read as follows:

For persons eighteen years of age or older who meet requirements for voter registration and persons sixteen or seventeen years of age who meet requirements to sign up to register to vote, who have been issued or are renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, ~~((and have not declined to register to vote,))~~ the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant if provided, the driver's license number, signature image, any language preference information collected, any phone number provided by the voter, any email address provided by the voter, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis. If requested by the secretary of state, the department shall provide copies of the documents submitted to prove citizenship for an individual subject to this section.

**Sec. 23.** RCW 46.20.205 and 2017 c 147 s 8 are each amended to read as follows:

Whenever any person, after applying for or receiving a driver's license or

identicard, moves from the address named in the application or in the license or identicard issued to him or her, or changes his or her name of record, the person shall, within ten days thereafter, notify the department of the name or address change as provided in RCW 46.08.195. This notification information shall be transmitted to the secretary of state on a daily basis, including the person's name, former name, address, former address, date of birth, signature image, and date of the transaction.

**Sec. 24.** RCW 29A.08.625 and 2009 c 369 s 30 are each amended to read as follows:

(1) A voter whose registration has been made inactive under this chapter and who requests to vote at an ensuing election before two federal general elections have been held must be allowed to vote a regular ballot applicable to ~~((the registration))~~ the voter's current residence address, and the voter's registration record updated and restored to active status.

(2) ~~((A))~~ An eligible voter whose registration has been properly canceled under this chapter shall ((vote a provisional ballot. The voter shall mark the provisional ballot in secrecy, the ballot placed in a security envelope, the security envelope placed in a provisional ballot envelope, and the reasons for the use of the provisional ballot noted.

~~((3))~~ Upon receipt of such a voted provisional ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration must be immediately reinstated, and the voter's provisional ballot must be counted. If the original cancellation was not in error, the voter must be afforded the opportunity to reregister at his or her correct address, and the voter's provisional ballot must not be counted) be allowed to register to vote at the voter's current residence address.

**Sec. 25.** RCW 29A.08.630 and 2009 c 369 s 31 are each amended to read as follows:

(1) The county auditor shall return an inactive voter to active voter status if, prior to the passage of two federal general elections, the voter:

~~((1))~~ (a) Notifies the auditor of a change of address;

~~((2))~~ (b) Responds to a confirmation notice with information that he or she continues to reside at the registration address; or

~~((3))~~ (c) Votes or attempts to vote in a primary, special election, or general election.

(2) If the inactive voter fails to provide ~~((such))~~ a notice or take ~~((such))~~ an action ~~((within that period))~~ as described in subsection (1) of this section, the auditor shall cancel the person's voter registration.

(3) The county auditor must cancel an inactive voter registration when receiving information indicating that the inactive voter has moved out of state or died.

**Sec. 26.** RCW 29A.08.635 and 2009 c 369 s 32 are each amended to read as follows:

Confirmation notices must be on a form prescribed by, or approved by, the secretary of state and must request that the voter ~~((confirm))~~ verify that ~~((he or she))~~ the voter continues to reside at the address of record and desires to continue to use that address for voting purposes, or provide a new residence address for voting, or provide information that the voter no longer resides in the state. The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal general elections, ~~((his or her voter))~~ the voter's registration will be canceled.

**Sec. 27.** RCW 29A.08.710 and 2018 c 109 s 10 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records and voter registration sign up records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2) (a) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060 and (b) of this subsection: The voter's name, address, political jurisdiction, gender, ~~((date))~~ year of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.

(b) The personally identifiable information of individuals who are under the age of eighteen are exempt from public inspection and copying until the subject of the record is eighteen years of age, except for the purpose of processing and delivering ballots.

**Sec. 28.** RCW 29A.08.810 and 2020 c 208 s 6 are each amended to read as follows:

(1) Registration of a person as a voter is presumptive evidence of his or her right to vote. A challenge to the person's right to vote must be based on personal knowledge of one of the following:

(a) The challenged voter has been convicted of a felony that includes serving a sentence of total confinement under jurisdiction of the department of corrections, or a felony conviction in another state's court or federal court and the ((voter's civil rights)) voter is serving that sentence of total confinement and the person's voting rights have not been restored under RCW 29A.08.520;

(b) The challenged voter has been judicially declared ineligible to vote due to mental incompetency under RCW 29A.08.515;

(c) The challenged voter ~~((does not live))~~ resides at a different address than the residential address provided, and is not subject to RCW 29A.04.151 or 29A.08.112, in which case the challenger must either:

(i) Provide the challenged voter's actual residence on the challenge form; or

(ii) Submit evidence that he or she exercised due diligence to verify that the challenged voter does not reside at the address provided ~~((and to attempt to contact the challenged voter to learn the challenged voter's actual residence, including)).~~ Evidence includes that the challenger personally:

(A) Sent a letter with return service requested to the challenged voter's residential address provided, and to the challenged voter's mailing address, if provided;

~~((B))~~ (B) (Visited the residential address provided and contacted persons at the address to determine whether the voter resides at the address and, if not, obtained and submitted with the challenge form a signed affidavit subject to the penalties of perjury from a person who owns or manages property, resides, or is employed at the address provided, that to his or her personal knowledge the challenged voter does not reside at the address as provided on the voter registration;

~~((C))~~ (C) Searched local telephone directories, including online directories, to determine whether the voter maintains a telephone listing at any address in the county;

~~((D))~~ (D) Searched county auditor property records to determine whether the challenged voter owns any property in the county; ((and

~~((E))~~ (E) Searched the statewide voter registration database to determine if the voter is registered at any other address in the state; and

(F) Searched the voter registration database of another state to determine if the voter is registered to vote in any other state;

(d) The challenged voter will not be eighteen years of age by the next general election; or

(e) The challenged voter is not a citizen of the United States.

(2) A person's right to vote may be challenged by another registered voter or the county prosecuting attorney.

(3) The challenger must file a signed affidavit subject to the penalties of perjury swearing that, to his or her personal knowledge and belief, having exercised due diligence to personally verify the evidence presented, the challenged voter either is not qualified to vote or does not reside at the address given on his or her voter registration record based on one of the reasons allowed in subsection (1) of this section. The challenger must provide the factual basis for the challenge, including any information required by subsection (1)(c) of this section, in the signed affidavit. The challenge may not be based on unsupported allegations or



allegations by anonymous third parties. All documents pertaining to the challenge are public records.

(4) Challenges based on a felony conviction under RCW 29A.08.520 must be heard according to RCW 29A.08.520 and rules adopted by the secretary of state.

**Sec. 29.** RCW 29A.08.820 and 2013 c 11 s 20 are each amended to read as follows:

(1) Challenges must be filed with the county auditor of the county in which the challenged voter is registered no later than ~~((forty-five))~~45 days before the election. The county auditor presides over the hearing.

(2) ~~((Only if))~~Challenges may be filed after 45 days before the election, only when the challenged voter registered to vote less than ((sixty))60 days before the election, or changed residence less than ((sixty))60 days before the election without ((transferring his or her))updating the residence address of the voter's voter registration((, may a)). A challenge may then be filed not later than ~~((ten))~~10 days before any primary or election, general or special, or within ~~((ten))~~10 days of the voter being added to the voter registration database, whichever is later.

(a) If the challenge is filed ~~((within forty-five))~~after 45 days before an election at which the challenged voter is eligible to vote, a notation of the challenge must be made immediately to the challenged voter's registration in the voter registration system, and the county canvassing board shall preside~~((s))~~ over the hearing.

(b) If the challenge is filed before the challenged voter's ballot is received, the ballot must be ~~((treated))~~processed as a challenged ballot, and held until the challenge is resolved.

(c) If the challenge is filed after the challenged voter's ballot is received, the challenge cannot affect the current election. However, the process shall proceed until the challenge is resolved.

**Sec. 30.** RCW 29A.08.835 and 2006 c 320 s 1 are each amended to read as follows:

(1) The county auditor shall, within seventy-two hours of receipt, publish on the auditor's internet website the entire content of any voter challenge filed under chapter 29A.08 RCW. Immediately after publishing any voter challenge, the county auditor shall notify any person who requests to receive such notifications on an ongoing basis.

(2) The information on the website may be removed 45 days following certification of an election. Information related to the challenge must be maintained by the county auditor for the appropriate retention period, and is subject to disclosure upon request.

**Sec. 31.** RCW 29A.08.840 and 2006 c 320 s 6 are each amended to read as follows:

(1) If the challenge is not in proper form or the factual basis for the challenge does not meet the legal grounds for a challenge, the county auditor may dismiss

the challenge and notify the challenger of the reasons for the dismissal. A challenge is not in proper form if it is incomplete on its face or does not substantially comply with the form issued by the secretary of state.

(2) If the challenge is in proper form and the factual basis meets the legal grounds for a challenge, the county auditor must notify the challenged voter and provide a copy of the affidavit. The county auditor shall also provide to any person, upon request, a copy of all materials provided to the challenged voter.

(a) If the challenge is to the residential address provided by the voter, the challenged voter must be provided notice of the exceptions allowed in RCW 29A.08.112 and 29A.04.151, and Article VI, section 4 of the state Constitution ((A challenged voter)), and may ((transfer))update the residence address on the voter's voter registration, or reregister until 8:00 p.m. the day ((before))of the election.

(b) The county auditor must schedule a hearing and notify the challenger and the challenged voter of the time and place for the hearing.

(3) All notice must be by certified mail to the address provided in the voter registration record, and any other addresses at which the challenged voter is alleged to reside or the county auditor reasonably expects the voter to receive notice. The challenger and challenged voter may either appear in person or submit testimony by affidavit. Personal appearance may be accomplished using video telecommunications technology if the auditor or canvassing board chooses.

(4) The challenger has the burden to prove by clear and convincing evidence that the challenged voter's registration is improper. The challenged voter must be provided a reasonable opportunity to respond. If the challenge is to the residential address provided by the voter, the challenged voter may provide evidence that he or she resides at the location described in his or her voter's registration records, or meets one of the exceptions allowed in RCW 29A.08.112 or 29A.04.151, or Article VI, section 4 of the state Constitution. If either the challenger or challenged voter fails to appear at the hearing, the challenge must be resolved based on the available facts.

(5) If the challenge is based on an allegation under RCW 29A.08.810(1) (a), (b), (d), or (e) and the canvassing board sustains the challenge, the voter registration shall be canceled and any challenged ballot shall not be counted. If the challenge is based on an allegation under RCW 29A.08.810(1)(c) and the canvassing board sustains the challenge, the board shall permit the voter to correct ~~((his or her))~~the residence address on the voter registration and any races and ballot measures on ((the))any challenged ballot that the voter would have been qualified to vote for had the registration been correct shall be counted.

(6) If the challenger fails to prove by clear and convincing evidence that the registration is improper, the challenge must

be dismissed and ~~((the))~~any pending challenged ballot must be accepted as valid. ~~((Challenged))~~All challenged ballots must be resolved before certification of the election. The decision of the county auditor or canvassing board is final subject only to judicial review by the superior court under chapter 34.05 RCW.

**Sec. 32.** RCW 29A.04.611 and 2011 c 10 s 13 are each amended to read as follows:

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:

(1) The maintenance of voter registration records;

(2) The preparation, maintenance, distribution, review, and filing of precinct maps;

(3) Standards for the design, layout, and production of ballots;

(4) The examination and testing of voting systems for certification;

(5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;

(6) Standards and procedures for the acceptance testing of voting systems by counties;

(7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;

(8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;

(9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;

(10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;

(11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted;

(12) The use of substitute devices or means of voting when a voting device is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;

(13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;

(14) The acceptance and filing of documents via electronic transmission;

(15) Voter registration applications and records;

(16) The use of voter registration information in the conduct of elections;

(17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;

(18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;

(19) Procedures to receive and distribute voter registration applications by mail;

(20) Procedures for a voter to change his or her voter registration address within a county by telephone;

(21) Procedures for a voter to change the name under which he or she is registered to vote;

(22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;

(23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;

(24) Procedures and forms related to automatic voter registration;

(25) Procedures and forms for declarations of candidacy;

~~((25))~~ (26) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;

~~((26))~~ (27) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;

~~((27))~~ (28) Filing for office;

~~((28))~~ (29) The order of positions and offices on a ballot;

~~((29))~~ (30) Sample ballots;

~~((30))~~ (31) Independent evaluations of voting systems ~~((+)~~

~~((31) The))~~ and the testing, approval, and certification of voting systems;

(32) The testing of vote tallying software programming;

(33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of ballots, including standards for the approval and implementation of hardware and software for automated signature verification systems;

(34) Standards and procedures to guarantee the secrecy of ballots;

(35) Uniformity among the counties of the state in the conduct of elections;

(36) Standards and procedures to accommodate overseas voters and service voters;

(37) The tabulation of paper ballots;

(38) The accessibility of voting centers;

(39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;

(40) Procedures for conducting a statutory recount;

(41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability

of ballots, certification, canvassing, and related procedures cannot be met;

(42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;

(43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;

(44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;

(45) Procedures for the publication of a state voters' pamphlet;

(46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;

(47) Procedures for conducting partisan primary elections;

(48) Standards and procedures for the proper conduct of voting on accessible voting devices;

(49) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;

(50) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);

(51) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;

(52) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252);

(53) Facilitating the payment of local government grants to local government election officers or vendors; and

(54) Standards for the verification of signatures on ballot declarations.

**Sec. 33.** RCW 29A.84.110 and 2003 c 111 s 2105 are each amended to read as follows:

If any county auditor or registration assistant, including government agency employees providing voter registration services under the requirements of state law or the national voter registration act of 1993:

(1) Willfully neglects or refuses to perform any duty required by law in connection with the registration of voters; or

(2) Willfully neglects or refuses to perform such duty in the manner required by voter registration law; or

(3) Enters or causes or permits to be entered on the voter registration records

the name of any person in any other manner or at any other time than as prescribed by voter registration law or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or

(4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law, ~~((he or she))~~ that person is guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

**Sec. 34.** RCW 29A.04.058 and 2019 c 391 s 1 are each amended to read as follows:

"Election official" when pertaining to voter registration includes any staff member of the office of the secretary of state, staff of state agencies or offices providing voter registration services, or a staff member of ~~((the))~~ a county auditor's office.

**Sec. 35.** RCW 29A.08.115 and 2009 c 369 s 11 are each amended to read as follows:

A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a county auditor within five business days. The registration date on such forms will be the date they are received by the secretary of state or county auditor. A person or organization collecting voter registration forms that intentionally does not transmit the forms to an election office may be subject to penalty under RCW 29A.84.030.

NEW SECTION. **Sec. 36.** RCW 29A.08.375 (Automatic registration—Rule-making authority) and 2018 c 110 s 207 are each repealed.

NEW SECTION. **Sec. 37.** Sections 3, 4, 6, 11, 13 through 16, and 20 through 23 of this act take effect July 15, 2024."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Gregerson and Mena.

MINORITY recommendation: Without recommendation. Signed by Representatives Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Transportation

March 15, 2023

SB 5122

Prime Sponsor, Senator Cleveland:  
Extending the expiration date of the ambulance transport fund. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 15, 2023

ESSB 5142 Prime Sponsor, Ways & Means: Creating an account for the pharmaceutical rebate revenue generated by the purchase of medications for people living with HIV who are enrolled in the early intervention program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 15, 2023

SSB 5189 Prime Sponsor, Health & Long Term Care: Establishing behavioral health support specialists. Reported by Committee on Health Care & Wellness

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

Referred to Committee on Appropriations

March 16, 2023

E2SSB 5198 Prime Sponsor, Ways & Means: Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

March 15, 2023

SSB 5229 Prime Sponsor, Ways & Means: Accelerating rural job growth and promoting economic recovery across Washington through site readiness grants. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Capital Budget

March 15, 2023

SSB 5275 Prime Sponsor, Ways & Means: Expanding access to benefits provided by the school

employees' benefits board. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 15, 2023

SB 5323 Prime Sponsor, Senator MacEwen: Concerning the department of veterans affairs. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Rules for second reading

March 15, 2023

SB 5324 Prime Sponsor, Senator Conway: Concerning the defense community compatibility account. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Capital Budget

March 15, 2023

SSB 5396 Prime Sponsor, Health & Long Term Care: Concerning cost sharing for diagnostic and supplemental breast examinations. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) In 1989 the legislature enacted Substitute House Bill No. 1074 requiring disability insurers, group disability insurers, health care service contractors, health maintenance organizations, and plans offered to public employees that provide benefits for hospital or medical care to provide benefits for screening and diagnostic mammography services.

(2) In 2010 the United States congress enacted the patient protection and affordable care act, which required coverage of certain preventative care services including screening mammograms with no cost sharing.

(3) In 2013 the Washington state office of the insurance commissioner adopted rules establishing the essential health benefits benchmark plan, which listed diagnostic and screening mammogram services as state benefit requirements under preventative and wellness services.

(4) In 2018 the legislature enacted Senate Bill No. 5912 which directed the office of the insurance commissioner to clarify that the existing mandates for mammography included coverage for tomosynthesis, also known as three-dimensional mammography, under the same terms and conditions allowed for mammography.

(5) The legislature intends to establish that the requirements for coverage of mammography services predated the affordable care act and are already included in the state's essential health benefits benchmark plan. Furthermore, the legislature intends to prohibit cost sharing for certain types of breast examinations.

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

(1) Except as provided in subsection (2) of this section, for nongrandfathered health plans issued or renewed on or after January 1, 2024, that include coverage of supplemental breast examinations and diagnostic breast examinations, health carriers may not impose cost sharing for such examinations.

(2) For a health plan that provides coverage of supplemental breast examinations and diagnostic breast examinations and is offered as a qualifying health plan for a health savings account, the health carrier shall establish the plan's cost sharing for the coverage of the services described in this section at the minimum level necessary to preserve the enrollee's ability to claim tax exempt contributions from their health savings account under internal revenue service laws and regulations.

(3) For purposes of this section:

(a) "Diagnostic breast examination" means a medically necessary and appropriate examination of the breast, including an examination using diagnostic mammography, digital breast tomosynthesis, also called three dimensional mammography, breast magnetic resonance imaging, or breast ultrasound, that is used to evaluate an abnormality:

(i) Seen or suspected from a screening examination for breast cancer; or

(ii) Detected by another means of examination.

(b) "Supplemental breast examination" means a medically necessary and appropriate examination of the breast, including an examination using breast magnetic resonance imaging or breast ultrasound, that is: (i) Used to screen for breast cancer when there is no abnormality seen or suspected; and

(ii) Based on personal or family medical history, or additional factors that may increase the individual's risk of breast cancer.

**Sec. 3.** RCW 48.20.393 and 1994 sp.s. c 9 s 728 are each amended to read as follows:

Each disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions, other than the cost-sharing prohibition provided in section 1 of this act, that are applicable to other benefits ((such as deductible or copayment provisions)). This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

**Sec. 4.** RCW 48.21.225 and 1994 sp.s. c 9 s 731 are each amended to read as follows:

Each group disability insurance policy issued or renewed after January 1, 1990, that provides coverage for hospital or medical expenses shall provide coverage for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard policy provisions, other than the cost-sharing prohibition provided in section 1 of this act, that are applicable to other benefits ((such as deductible or copayment provisions)). This section does not limit the authority of an insurer to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

**Sec. 5.** RCW 48.44.325 and 1994 sp.s. c 9 s 734 are each amended to read as follows:

Each health care service contract issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

This section shall not be construed to prevent the application of standard contract provisions, other than the cost-sharing

~~prohibition provided in section 1 of this act, that are applicable to other benefits ((such as deductible or copayment provisions)).~~ This section does not limit the authority of a contractor to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits.

**Sec. 6.** RCW 48.46.275 and 1994 sp.s. c 9 s 735 are each amended to read as follows:

Each health maintenance agreement issued or renewed after January 1, 1990, that provides benefits for hospital or medical care shall provide benefits for screening or diagnostic mammography services, provided that such services are delivered upon the recommendation of the patient's physician or advanced registered nurse practitioner as authorized by the nursing care quality assurance commission pursuant to chapter 18.79 RCW or physician assistant pursuant to chapter 18.71A RCW.

All services must be provided by the health maintenance organization or rendered upon referral by the health maintenance organization. This section shall not be construed to prevent the application of standard agreement provisions, other than the cost-sharing prohibition provided in section 1 of this act, that are applicable to other benefits ((such as deductible or copayment provisions)). This section does not limit the authority of a health maintenance organization to negotiate rates and contract with specific providers for the delivery of mammography services. This section shall not apply to medicare supplement policies or supplemental contracts covering a specified disease or other limited benefits."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Harris; Macri; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Schmick, Ranking Minority Member.

Referred to Committee on Appropriations

March 16, 2023

SSB 5617 Prime Sponsor, Early Learning & K-12 Education: Concerning career and technical education course equivalencies. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28A.245 RCW to read as follows:

(1) An interdistrict cooperative agreement between all participating school districts in a skill center under RCW

28A.245.010 must stipulate that any approved state and local equivalency courses offered by the host school district must be honored as equivalency courses by all school districts participating in the skill center.

(2) The list of approved local and state equivalency courses of the host school district must be provided by the host district to participating districts on an annual basis by September 1st.

(3) Students served at any core, branch, or satellite skill center campus must have access to academic credit for any approved local or state equivalency courses offered at those sites and in accordance with transcription requirements in RCW 28A.230.097.

**Sec. 2.** RCW 28A.230.097 and 2019 c 221 s 2 are each amended to read as follows:

(1) Each high school or school district board of directors shall adopt course equivalencies for career and technical high school courses offered to students in high schools and skill centers. A career and technical course equivalency may be for whole or partial credit. Each school district board of directors shall develop a course equivalency approval procedure. Boards of directors must approve AP computer science courses as equivalent to high school mathematics or science, and must denote on a student's transcript that AP computer science qualifies as a math-based quantitative course for students who take the course in their senior year.

(2) ~~((Until September 1, 2021, a school))~~ School district boards of directors must, at a minimum, grant academic course equivalency for at least one statewide equivalency high school career and technical course from the list of courses approved by the superintendent of public instruction under RCW 28A.700.070.

(3)(a) If the list of courses is revised after the 2015-16 school year, the school district board of directors must grant academic course equivalency based on the revised list beginning with the school year immediately following the revision.

(b) Each high school or school district board of directors may additionally adopt local course equivalencies for career and technical education courses that are not on the list of courses approved by the superintendent of public instruction under RCW 28A.700.070 as local equivalency courses in support of RCW 28A.700.070.

(c) Approved local or state equivalency courses at any core, branch, or satellite skill center must be offered for academic credit to all students participating in courses at those sites.

(4) On and after September 1, 2021, any statewide equivalency course offered by a school district or accessed at a skill center must be offered for academic credit.

(5) Career and technical courses determined to be equivalent to academic core courses, in full or in part, by the high school or school district shall be accepted as meeting core requirements, including graduation requirements, if the courses are recorded on the student's transcript using the equivalent academic high school

department designation and title. Full or partial credit shall be recorded as appropriate. The high school or school district shall also issue and keep record of course completion certificates that demonstrate that the career and technical courses were successfully completed as needed for industry certification, college credit, or preapprenticeship, as applicable. The certificate shall be part of the student's high school and beyond plan. The office of the superintendent of public instruction shall develop and make available electronic samples of certificates of course completion.

(6) Prior to course scheduling or course registration for the next school term, each public school that serves students in any of grades nine through 12 must provide all students and their parents or legal guardians with information about the opportunities for meeting credit-based graduation requirements through equivalency courses, including those available within the school district or at a skill center.

**Sec. 3.** RCW 28A.300.236 and 2018 c 177 s 303 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must create methodologies for implementing equivalency crediting on a broader scale across the state and facilitate its implementation including, but not limited to, the following:

(a) Implementing statewide career and technical education course equivalency frameworks authorized under RCW 28A.700.070 and 28A.230.097 for high schools and skill centers ~~((in science, technology, engineering, and mathematics))~~. This may include development of additional equivalency course frameworks in core subject areas, course performance assessments, and development and delivery of professional development for districts and skill centers implementing the career and technical education frameworks; ~~((and))~~

(b) Providing competitive grant funds to school districts to increase the integration and rigor of academic instruction in career and technical education equivalency courses. The grant funds must be used to support teams of general education and career and technical education teachers to convene and design course performance assessments, deepen the understanding of integrating academic and career and technical education in student instruction, and develop professional learning modules for school districts to plan implementation of equivalency crediting; and

(c) Conducting a review of implementation requirements of RCW 28A.230.097 and providing technical assistance to districts to ensure state course equivalencies are being consistently offered for academic credit for students at high schools and skill centers.

(2) Beginning in the 2017-18 school year, school districts shall annually report to the office of the superintendent of public instruction the following information:

(a) The annual number of students participating in state-approved equivalency courses; and

(b) The annual number of state approved equivalency credit courses offered in school districts and skill centers.

(3) Beginning December 1, 2018, and every December 1st thereafter, the office of the superintendent of public instruction shall annually submit the following information to the office of the governor, the state board of education, and the appropriate committees of the legislature:

(a) The selected list of equivalent career and technical education courses and their curriculum frameworks that the superintendent of public instruction has approved under RCW 28A.700.070; ~~((and))~~

(b) A summary of the school district information reported under subsection (2) of this section; and

(c) A summary of implementation efforts and review findings determined under subsection (1) of this section, including recommendations for increasing access to equivalency coursework.

**Sec. 4.** RCW 28A.700.070 and 2018 c 191 s 1 and 2018 c 177 s 304 are each reenacted and amended to read as follows:

(1) The office of the superintendent of public instruction shall support school district efforts under RCW 28A.230.097 to adopt course equivalencies for career and technical courses by:

(a) Recommending career and technical curriculum suitable for course equivalencies;

(b) Publicizing best practices for high schools and school districts in developing and adopting course equivalencies; and

(c) In consultation with the Washington association for career and technical education, providing professional development, technical assistance, and guidance for school districts seeking to expand their lists of equivalent courses.

(2) The office of the superintendent of public instruction shall provide professional development, technical assistance, and guidance for school districts to develop career and technical course equivalencies that also qualify as advanced placement courses.

(3) The superintendent of public instruction, in consultation with one or more technical working groups convened for this purpose, shall develop and, after an opportunity for public comment, approve curriculum frameworks for a selected list of career and technical courses that may be offered by high schools or skill centers whose academic standards content is considered equivalent in full or in part to the academic courses that meet high school graduation requirements. These courses may include equivalency to English language arts, mathematics, science, social studies, arts, world languages, or health and physical education. The content of the courses must be aligned with the most current Washington K-12 learning standards in English language arts, mathematics, science, arts, world languages, health and physical education, social studies, and

required industry standards. The first list of courses under this subsection must be developed and approved before the 2015-16 school year. Thereafter, the superintendent of public instruction may periodically update or revise the list of courses using the process in this subsection.

(4) Subject to funds appropriated for this purpose, the superintendent of public instruction shall allocate grant funds to school districts to increase the integration and rigor of academic instruction in career and technical courses. Grant recipients are encouraged to use grant funds to support teams of academic and technical teachers. The superintendent of public instruction may require that grant recipients provide matching resources using federal Carl Perkins funds or other fund sources.

(5) Subject to funds appropriated for this purpose, the superintendent of public instruction shall convene a technical working group to develop a course equivalency crosswalk for technology-based competitive student activities that complies with the equivalency and content requirements established in subsection (3) of this section. This technical working group shall include educators from school districts or educational service districts that have experience with technology-based competitive student activities. The superintendent of public instruction shall develop and approve course equivalencies to include in the updated list established in subsection (3) of this section based on the work of the technical working group."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

March 16, 2023

ESB 5623 Prime Sponsor, Senator Dhingra: Modifying an element of the offense of hate crime and classifying a hate crime as crimes against persons. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representative Graham.

Referred to Committee on Rules for second reading

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.

The Speaker assumed the chair.

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

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

- SENATE BILL NO. 5004
- SUBSTITUTE SENATE BILL NO. 5005
- SENATE BILL NO. 5036
- SENATE BILL NO. 5065
- SUBSTITUTE SENATE BILL NO. 5072
- SUBSTITUTE SENATE BILL NO. 5121
- SENATE BILL NO. 5122
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5179
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5257
- SENATE BILL NO. 5323
- SUBSTITUTE SENATE BILL NO. 5338
- SUBSTITUTE SENATE BILL NO. 5617
- ENGROSSED SENATE BILL NO. 5623

There being no objection, the House adjourned until 10:30 a.m., Monday, March 20, 2023, the 71st Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

**MOTION**



## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SEVENTY FIRST DAY

House Chamber, Olympia, Monday, March 20, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Max Moran and Allison Powell. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Greg Asimakoupoulos, Mercer island Police and Fire Department Chaplain and Faith and Values Columnist for the Wenatchee World.

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 fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 1847 by Representatives Santos, Berg, Fitzgibbon and Ryu

AN ACT Relating to establishing permanent funding for a community preservation and development authority approved through RCW 43.167.060; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Finance.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

## REPORTS OF STANDING COMMITTEES

March 16, 2023

SB 5019 Prime Sponsor, Senator Wellman: Concerning classified staff providing student and staff safety. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Ortiz-Self; Pollet; Stonier and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Eslick; Harris; McClintock; Sandlin; and Steele.

Referred to Committee on Rules for second reading

March 17, 2023

SB 5066 Prime Sponsor, Senator Short: Concerning health care benefit managers. Reported by Committee on Health Care & Wellness

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

Graham; Harris; Macri; Mosbrucker; Orwall; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

March 17, 2023

SB 5079 Prime Sponsor, Senator Braun: Concerning the date by which tuition operating fees are established. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Schmidt and Timmons.

Referred to Committee on Rules for second reading

March 17, 2023

SB 5113 Prime Sponsor, Senator Warnick: Concerning faculty in dental schools. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Schmidt and Timmons.

Referred to Committee on Rules for second reading

March 16, 2023

SB 5166 Prime Sponsor, Senator Boehnke: Reauthorizing the business and occupation tax deduction for cooperative finance organizations. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

March 17, 2023

SB 5394 Prime Sponsor, Senator Randall: Concerning malpractice insurance for international medical graduate supervisors. Reported by Committee on Health Care & Wellness

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

Referred to Committee on Rules for second reading

March 15, 2023

SSB 5490

Prime Sponsor, Ways & Means: Concerning health care coverage for retired or disabled employees denied coverage for failure to timely notify the authority of their intent to defer coverage. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 16, 2023

SSB 5565

Prime Sponsor, Ways & Means: Modifying tax and revenue laws by making technical corrections, clarifying ambiguities, easing compliance burdens for taxpayers, and providing administrative efficiencies. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.150.060 and 2016 sp.s. c 6 s 1 are each amended to read as follows:

(1) If a notice has been sent, as required by RCW 19.150.040, and the total sum due has not been paid as of the date specified in the preliminary lien notice, the lien proposed by this notice attaches as of that date and the owner may deny an occupant access to the space, enter the space, inventory the goods therein, and remove any property found therein to a place of safe keeping. The owner must provide the occupant a notice of final lien sale or final notice of disposition by personal service, verified mail, or email to the occupant's last known address and alternative address or email address. If the owner sends notice required under this section to the occupant's last known email address and does not receive a reply or receipt of delivery, the owner must send a second notice to the occupant's last known postal address by verified mail. The notice required under this section must state all of the following:

(a) That the occupant's right to use the storage space has terminated and that the occupant no longer has access to the stored property.

(b) That the stored property is subject to a lien, and the amount of the lien accrued and to accrue prior to the date required to be specified in (c) of this subsection.

(c) That all the property, other than personal papers and personal photographs, may be sold to satisfy the lien after a specified date which is not less than ((fourteen))14 days from the last date of sending of the final lien sale notice, or a minimum of ((forty-two))42 days after the

date when any part of the rent or other charges due from the occupants remain unpaid, whichever is later, unless the amount of the lien is paid. The owner is not required to sell the personal property within a maximum number of days of when the rent or other charges first became due. If the total value of property in the storage space is less than three hundred dollars, the owner may, instead of sale, dispose of the property in any reasonable manner, subject to the restrictions of RCW 19.150.080(4). After the sale or other disposition pursuant to this section has been completed, the owner shall provide an accounting of the disposition of the proceeds of the sale or other disposition to the occupant at the occupant's last known address and at the alternative address.

(d) That any stored vehicles, watercraft, trailers, recreational vehicles, or campers may be towed or removed from the self-service storage facility in lieu of sale pursuant to RCW 19.150.160.

(e) That any excess proceeds of the sale or other disposition under RCW 19.150.080(2) over the lien amount and reasonable costs of sale will be retained by the owner and may be reclaimed by the occupant, or claimed by another person, at any time for a period of six months from the sale and that thereafter the proceeds will be turned over to the state as abandoned property as provided in chapter 63.30 RCW ((63.29.165)).

(f) That any personal papers and personal photographs will be retained by the owner and may be reclaimed by the occupant at any time for a period of six months from the sale or other disposition of property and that thereafter the owner may dispose of the personal papers and photographs in a reasonable manner, subject to the restrictions of RCW 19.150.080(3).

(g) That the occupant has no right to repurchase any property sold at the lien sale.

(2) The owner may not send by email the notice required under this section to the occupant's last known address or alternative address unless:

(a) The occupant expressly agrees to notice by email;

(b) The rental agreement executed by the occupant specifies in bold type that notices will be given to the occupant by email;

(c) The owner provides the occupant with the email address from which notices will be sent and directs the occupant to modify his or her email settings to allow email from that address to avoid any filtration systems; and

(d) The owner notifies the occupant of any change in the email address from which notices will be sent prior to the address change.

**Sec. 2.** RCW 19.150.080 and 2007 c 113 s 5 are each amended to read as follows:

(1) After the expiration of the time given in the final notice of lien sale pursuant to RCW 19.150.060, the property, other than personal papers and personal photographs, may be sold or disposed of in a reasonable manner as provided in this section.

(2)(a) If the property has a value of ~~((three hundred dollars))~~ \$300 or more, the sale shall be conducted in a commercially reasonable manner, and, after applying the proceeds to costs of the sale and then to the amount of the lien, the owner shall retain any excess proceeds of the sale on the occupant's behalf. The occupant, or any other person having a court order or other judicial process against the property, may claim the excess proceeds, or a portion thereof sufficient to satisfy the particular claim, at any time within six months of the date of sale.

(b) If the property has a value of less than ~~((three hundred dollars))~~ \$300, the property may be disposed of in a reasonable manner.

(3) Personal papers and personal photographs that are not reclaimed by the occupant within six months of a sale under subsection (2)(a) of this section or other disposition under subsection (2)(b) of this section may be disposed of in a reasonable manner.

(4) No employee or owner, or family member of an employee or owner, may acquire, directly or indirectly, the property sold pursuant to subsection (2)(a) of this section or disposed of pursuant to subsection (2)(b) of this section, or personal papers and personal photographs disposed of under subsection (3) of this section.

(5) The owner is entitled to retain any interest earned on the excess proceeds until the excess proceeds are claimed by another person or are turned over to the state as abandoned property pursuant to chapter 63.30 RCW ~~((63.29.165))~~.

**Sec. 3.** RCW 19.240.080 and 2004 c 168 s 9 are each amended to read as follows:

An issuer is not required to honor a gift certificate presumed abandoned under chapter 63.30 RCW ~~((63.29.110))~~ if it is reported ~~((7))~~ and delivered to the department of revenue in the dissolution of a business association.

**Sec. 4.** RCW 19.240.900 and 2004 c 168 s 18 are each amended to read as follows:

Sections 1 through 12 of this act apply to:

(1) Gift certificates issued on or after July 1, 2004; and

(2) Those gift certificates presumed abandoned on or after July 1, 2004, and not reported as provided in chapter 63.30 RCW ~~((63.29.170(4)))~~.

**Sec. 5.** RCW 35.90.020 and 2020 c 139 s 59 are each amended to read as follows:

(1) Except as otherwise provided in subsection (7) of this section, a city that requires a general business license of any person that engages in business activities within that city must partner with the department to have such license issued, and renewed if the city requires renewal, through the business licensing service in accordance with chapter 19.02 RCW.

(a) Except as otherwise provided in subsection (3) of this section, the

department must phase in the issuance and renewal of general business licenses of cities that required a general business license as of July 1, 2017, and are not already partnering with the department, as follows:

(i) Between January 1, 2018, and December 31, 2021, the department must partner with at least six cities per year;

(ii) Between January 1, 2022, and December 31, 2027, the department must partner with the remaining cities; or

(iii) Between July 1, 2017 and December 31, 2022, the department must partner with all cities requiring a general business license if specific funding for the purposes of this subsection (1)(a)(iii) is appropriated in the omnibus appropriations act.

(b) A city that imposes a general business license requirement and does not partner with the department as of January 1, 2018, may continue to issue and renew its general business licenses until the city partners with the department as provided in subsection (4) of this section.

(2)(a) A city that did not require a general business license as of July 1, 2017, but imposes a new general business license requirement after that date must advise the department in writing of its intent to do so at least ~~((ninety))~~ 90 days before the requirement takes effect.

(b) If a city subject to (a) of this subsection (2) imposes a new general business license requirement after July 1, 2017, the department, in its sole discretion, may adjust resources to partner with the imposing city as of the date that the new general business licensing requirement takes effect. If the department cannot reallocate resources, the city may issue and renew its general business license until the department is able to partner with the city.

(3) The department may delay assuming the duties of issuing and renewing general business licenses beyond the dates provided in subsection (1)(a) of this section if:

(a) Insufficient funds are appropriated for this specific purpose;

(b) The department cannot ensure the business licensing system is adequately prepared to handle all general business licenses due to unforeseen circumstances;

(c) The department determines that a delay is necessary to ensure that the transition to mandatory department issuance and renewal of general business licenses is as seamless as possible; or

(d) The department receives a written notice from a city within ~~((sixty))~~ 60 days of the date that the city appears on the department's biennial partnership plan, which includes an explanation of the fiscal or technical challenges causing the city to delay joining the system. A delay under this subsection (3)(d) may be for no more than three years.

(4)(a) In consultation with affected cities and in accordance with the priorities established in subsection (5) of this section, the department must establish a biennial plan for partnering with cities to assume the issuance and renewal of general business licenses as required by this

section. The plan must identify the cities that the department will partner with and the dates targeted for the department to assume the duties of issuing and renewing general business licenses.

(b) By January 1, 2018, and January 1st of each even-numbered year thereafter until the department has partnered with all cities that currently impose a general business license requirement and that have not declined to partner with the department under subsection (7) of this section, the department must submit the partnering plan required in (a) of this subsection (4) to the governor; legislative fiscal committees; house local government committee; senate financial institutions, economic development and trade committee; senate local government committee; affected cities; association of Washington cities; association of Washington business; national federation of independent business; and Washington retail association.

(c) The department may, in its sole discretion, alter the plan required in (a) of this subsection (4) with a minimum notice of ~~((thirty))~~ 30 days to affected cities.

(5) When determining the plan to partner with cities for the issuance and renewal of general business licenses as required in subsection (4) of this section, cities that notified the department of their wish to partner with the department before January 1, 2017, must be allowed to partner before other cities.

(6) A city that partners with the department for the issuance and renewal of general business licenses through the business licensing service in accordance with chapter 19.02 RCW may not issue and renew those licenses.

(7)(a) Except as provided in (b) of this subsection, a city may decline to partner with the department for the issuance and renewal of a general business license as provided in subsection (1) of this section if the city participates in the online local business license and tax filing portal known as "FileLocal" as of July 1, 2020.

(b) A city that receives at least ~~((one million nine hundred fifty thousand dollars))~~ \$1,950,000 in fiscal year 2020 for temporary streamlined sales tax mitigation under the 2019 omnibus appropriations act, section 722, chapter 415, Laws of 2019, may decline to partner with the department for the issuance and renewal of a general business license as provided in subsection (1) of this section if the city participates in FileLocal as of July 1, 2021.

(c) For the purposes of this subsection (7), a city is considered to be a FileLocal participant as of the date that a business may access FileLocal for purposes of applying for or renewing that city's general business license and reporting and paying that city's local business and occupation taxes. A city that ceases participation in FileLocal after July 1, 2020, or July 1, 2021, in the case of a city eligible for the extension under (b) of this subsection, must partner with the department for the issuance and renewal of its general business license as provided in subsection (1) of this section.

~~((By January 1, 2019, and each January 1st thereafter through January 1,~~

~~2028, the department must submit a progress report to the legislature. The report required by this subsection must provide information about the progress of the department's efforts to partner with all cities that impose a general business license requirement and include:~~

~~(a) A list of cities that have partnered with the department as required in subsection (1) of this section;~~

~~(b) A list of cities that have not partnered with the department;~~

~~(c) A list of cities that are scheduled to partner with the department during the upcoming calendar year;~~

~~(d) A list of cities that have declined to partner with the department as provided in subsection (7) of this section;~~

~~(e) An explanation of lessons learned and any process efficiencies incorporated by the department;~~

~~(f) Any recommendations to further simplify the issuance and renewal of general business licenses by the department; and~~

~~(g) Any other information the department considers relevant.)~~

**Sec. 6.** RCW 59.18.312 and 2011 c 132 s 17 are each amended to read as follows:

(1) A landlord shall, upon the execution of a writ of restitution by the sheriff, enter and take possession of any property of the tenant found on the premises. The landlord may store the property in any reasonably secure place, including the premises, and sell or dispose of the property as provided under subsection (3) of this section. The landlord must store the property if the tenant serves a written request to do so on the landlord or the landlord's representative by any of the methods described in RCW 59.18.365 no later than three days after service of the writ. A landlord may elect to store the property without such a request unless the tenant or the tenant's representative objects to the storage of the property. If the tenant or the tenant's representative objects to the storage of the property or the landlord elects not to store the property because the tenant has not served a written request on the landlord to do so, the property shall be deposited upon the nearest public property and may not be stored by the landlord. If the landlord knows that the tenant is a person with a disability as defined in RCW 49.60.040 (as amended by chapter 317, Laws of 2007) and the disability impairs or prevents the tenant or the tenant's representative from making a written request for storage, it must be presumed that the tenant has requested the storage of the property as provided in this section unless the tenant objects in writing.

(2) Property stored under this section shall be returned to the tenant after the tenant has paid the actual or reasonable drayage and storage costs, whichever is less, or until it is sold or disposed of by the landlord in accordance with subsection (3) of this section.

(3) Prior to the sale of property stored pursuant to this section with a cumulative value of over ~~((two hundred fifty dollars))~~ \$250, the landlord shall notify the tenant

of the pending sale. After ((~~thirty~~))30 days from the date the notice of the sale is mailed or personally delivered to the tenant's last known address, the landlord may sell the property, including personal papers, family pictures, and keepsakes, and dispose of any property not sold.

If the property that is being stored has a cumulative value of ((~~two hundred fifty dollars~~))\$250 or less, then the landlord may sell or dispose of the property in the manner provided in this section, except for personal papers, family pictures, and keepsakes. Prior to the sale or disposal of property stored pursuant to this section with a cumulative value of ((~~two hundred fifty dollars~~))\$250 or less, the landlord shall notify the tenant of the pending sale or disposal. The notice shall either be mailed to the tenant's last known address or personally delivered to the tenant. After seven days from the date the notice is mailed or delivered to the tenant, the landlord may sell or dispose of the property.

The landlord may apply any income derived from the sale of the tenant's property against moneys due the landlord for drayage and storage of the property. The amount of sale proceeds that the landlord may apply towards such costs may not exceed the actual or reasonable costs for drayage and storage of the property, whichever is less. Any excess income derived from the sale of such property shall be held by the landlord for the benefit of the tenant for a period of one year from the date of the sale. If no claim is made or action commenced by the tenant for the recovery of the excess income prior to the expiration of that period of time, then the balance shall be treated as abandoned property and deposited by the landlord with the department of revenue pursuant to chapter ((~~63.29~~))63.30 RCW.

(4) Nothing in this section shall be construed as creating a right of distress for rent.

(5) When serving a tenant with a writ of restitution pursuant to RCW 59.12.100 and 59.18.410, the sheriff shall provide written notice to the tenant that: (a) Upon execution of the writ, the landlord must store the tenant's property only if the tenant serves a written request on the landlord to do so no later than three days after service of the writ; (b) the notice to the landlord requesting storage may be served by personally delivering or mailing a copy of the request to the landlord at the address identified in, or by facsimile to the facsimile number listed on, the form described under subsection (6) of this section; (c) if the tenant has not made such a written request to the landlord, the landlord may elect to either store the tenant's property or place the tenant's property on the nearest public property unless the tenant objects; (d) if the property is stored, it may not be returned to the tenant unless the tenant pays the actual or reasonable costs of drayage and storage, whichever is less, within ((~~thirty~~))30 days; (e) if the tenant or the tenant's representative objects to storage of the property, it will not be stored but will be placed on the nearest public

property; and (f) the landlord may sell or otherwise dispose of the property as provided in subsection (3) of this section if the landlord provides written notice to the tenant first.

(6) When serving a tenant with a writ of restitution under subsection (5) of this section, the sheriff shall also serve the tenant with a form provided by the landlord that can be used to request the landlord to store the tenant's property, which must be substantially in the following form:

REQUEST FOR STORAGE OF PERSONAL PROPERTY

.....  
Name of Plaintiff

.....  
Name(s) of Tenant(s)

I/we hereby request the landlord to store our personal property. I/we understand that I/we am/are responsible for the actual or reasonable costs of moving and storing the property, whichever is less. If I/we fail to pay these costs, the landlord may sell or dispose of the property pursuant to and within the time frame permitted under RCW 59.18.312(3).

Any notice of sale required under RCW 59.18.312(3) must be sent to the tenants at the following address:

.....  
.....  
.....

IF NO ADDRESS IS PROVIDED, NOTICE OF SALE WILL BE SENT TO THE LAST KNOWN ADDRESS OF THE TENANT(S)

Dated: .....

.....  
Tenant-Print Name

.....  
Tenant-Print Name

This notice may be delivered or mailed to the landlord or the landlord's representative at the following address:

.....  
.....  
.....

This notice may also be served by facsimile to the landlord or the landlord's representative at:

.....  
Facsimile Number

IMPORTANT

IF YOU WANT YOUR LANDLORD TO STORE YOUR PROPERTY, THIS WRITTEN REQUEST MUST BE RECEIVED BY THE LANDLORD NO LATER THAN THREE (3) DAYS AFTER THE SHERIFF SERVES THE WRIT OF RESTITUTION. YOU SHOULD RETAIN PROOF OF SERVICE.

Sec. 7. RCW 59.18.595 and 2015 c 264 s 3 are each amended to read as follows:

(1) In the event of the death of a tenant who is the sole occupant of the dwelling unit:

(a) The landlord, upon learning of the death of the tenant, shall promptly mail or personally deliver written notice to any known personal representative, known designated person, emergency contact identified by the tenant on the rental application, known person reasonably believed to be a successor of the tenant as defined in RCW 11.62.005, and to the deceased tenant at the address of the dwelling unit. If the landlord knows of any address used for the receipt of electronic communications, the landlord shall email the notice to that address as well. The notice must include:

(i) The name of the deceased tenant and address of the dwelling unit;

(ii) The approximate date of the deceased tenant's death;

(iii) The rental amount and date through which rent is paid;

(iv) A statement that the tenancy will terminate (~~(fifteen)~~) 15 days from the date the notice is mailed or personally delivered or the date through which rent is paid, whichever comes later, unless during that time period a tenant representative makes arrangements with the landlord to pay rent in advance for no more than (~~(sixty)~~) 60 days from the date of the tenant's death to allow a tenant representative to arrange for orderly removal of the tenant's property. At the end of the period for which the rent has been paid pursuant to this subsection, the tenancy ends;

(v) A statement that failure to remove the tenant's property before the tenancy is terminated or ends as provided in (a)(iv) of this subsection will allow the landlord to enter the dwelling unit and take possession of any property found on the premises, store it in a reasonably secure place, and charge the actual or reasonable costs, whichever is less, of drayage and storage of the property, and after service of a second notice sell or dispose of the property as provided in subsection (3) of this section; and

(vi) A copy of any designation executed by the tenant pursuant to RCW 59.18.590;

(b) The landlord shall turn over possession of the tenant's property to a tenant representative if a request is made in writing within the specified time period or any subsequent date agreed to by the parties;

(c) Within (~~(fourteen)~~) 14 days after the removal of the property by the tenant representative, the landlord shall refund any unearned rent and shall give a full and specific statement of the basis for retaining any deposit together with the payment of any refund due the deceased tenant under the terms and conditions of the rental agreement to the tenant representative; and

(d) Any tenant representative who removes property from the tenant's dwelling unit or the premises must, at the time of removal, provide to the landlord an inventory of the removed property and signed acknowledgment that he or she has only been given

possession and not ownership of the property.

(2) A landlord shall send a second written notice before selling or disposing of a deceased tenant's property.

(a) If the tenant representative makes arrangements with the landlord to pay rent in advance as provided in subsection (1)(a)(iv) of this section, the landlord shall mail a second written notice to any known personal representative, known designated person, emergency contact identified by the tenant on the rental application, known person reasonably believed to be a successor of the tenant as defined in RCW 11.62.005, and to the deceased tenant at the dwelling unit. The second notice must include:

(i) The name, address, and phone number or other contact information for the tenant representative, if known, who made the arrangements to pay rent in advance;

(ii) The amount of rent paid in advance and date through which rent was paid; and

(iii) A statement that the landlord may sell or dispose of the property on or after the date through which rent is paid or at least (~~(forty-five)~~) 45 days after the second notice is mailed, whichever comes later, if a tenant representative does not claim and remove the property in accordance with this subsection.

(b) If the landlord places the property in storage pursuant to subsection (1)(a) of this section, the landlord shall mail a second written notice, unless a written notice under (a) of this subsection has already been provided, to any known personal representative, known designated person, emergency contact identified by the tenant on the rental application, known person reasonably believed to be a successor of the tenant as defined in RCW 11.62.005, and to the deceased tenant at the dwelling unit. The second notice must state that the landlord may sell or dispose of the property on or after a specified date that is at least (~~(forty-five)~~) 45 days after the second notice is mailed if a tenant representative does not claim and remove the property in accordance with this subsection.

(c) The landlord shall turn over possession of the tenant's property to a tenant representative if a written request is made within the applicable time periods after the second notice is mailed, provided the tenant representative: (i) Pays the actual or reasonable costs, whichever is less, of drayage and storage of the property, if applicable; and (ii) gives the landlord an inventory of the property and signs an acknowledgment that he or she has only been given possession and not ownership of the property.

(d) Within (~~(fourteen)~~) 14 days after the removal of the property by the tenant representative, the landlord shall refund any unearned rent and shall give a full and specific statement of the basis for retaining any deposit together with the payment of any refund due the deceased tenant under the terms and conditions of the rental agreement to the tenant representative.

(3)(a) If a tenant representative has not contacted the landlord or removed the deceased tenant's property within the

applicable time periods under this section, the landlord may sell or dispose of the deceased tenant's property, except for personal papers and personal photographs, as provided in this subsection.

(i) If the landlord reasonably estimates the fair market value of the stored property to be more than ~~((one thousand dollars))~~ \$1,000, the landlord shall arrange to sell the property in a commercially reasonable manner and may dispose of any property that remains unsold in a reasonable manner.

(ii) If the value of the stored property does not meet the threshold provided in (a) (i) of this subsection, the landlord may dispose of the property in a reasonable manner.

(iii) The landlord may apply any income derived from the sale of the property pursuant to this section against any costs of sale and moneys due the landlord, including actual or reasonable costs, whichever is less, of drayage and storage of the deceased tenant's property. Any excess income derived from the sale of such property under this section must be held by the landlord for a period of one year from the date of sale, and if no claim is made for recovery of the excess income before the expiration of that one-year period, the balance must be treated as abandoned property and deposited by the landlord with the department of revenue pursuant to chapter ~~((63.29))~~ 63.30 RCW.

(b) Personal papers and personal photographs that are not claimed by a tenant representative within ~~((ninety))~~ 90 days after a sale or other disposition of the deceased tenant's other property shall be either destroyed or held for the benefit of any successor of the deceased tenant as defined in RCW 11.62.005.

(c) No landlord or employee of a landlord, or his or her family members, may acquire, directly or indirectly, the property sold pursuant to (a)(i) of this subsection or disposed of pursuant to (a) (ii) of this subsection.

(4) Upon learning of the death of the tenant, the landlord may enter the deceased tenant's dwelling unit and immediately dispose of any perishable food, hazardous materials, and garbage found on the premises and turn over animals to a tenant representative or to an animal control officer, humane society, or other individual or organization willing to care for the animals.

(5) Any notices sent by the landlord under this section must include a mailing address, any address used for the receipt of electronic communications, and a telephone number of the landlord.

(6) If a landlord knowingly violates this section, the landlord is liable to the deceased tenant's estate for actual damages. The prevailing party in any action pursuant to this subsection may recover costs and reasonable attorneys' fees.

(7) A landlord who complies with this section is relieved from any liability relating to the deceased tenant's property.

**Sec. 8.** RCW 63.30.040 and 2022 c 225 s 201 are each amended to read as follows:

Subject to RCW 63.30.120, the following property is presumed abandoned if it is unclaimed by the apparent owner during the period specified below:

(1) A traveler's check, 15 years after issuance;

(2) A money order, five years after issuance;

(3) A state or municipal bond, bearer bond, or original issue discount bond, three years after the earliest of the date the bond matures or is called or the obligation to pay the principal of the bond arises;

(4) A debt of a business association, three years after the obligation to pay arises;

(5) A demand, savings, or time deposit, including a deposit that is automatically renewable, three years after the later of maturity, if applicable, of the deposit or the owner's last indication of interest in the deposit, except a deposit that is automatically renewable is deemed matured on its initial date of maturity unless the apparent owner consented in a record on file with the holder to renewal at or about the time of the renewal;

(6) Money or a credit owed to a customer as a result of a retail business transaction, three years after the obligation arose;

(7) An amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, three years after the obligation to pay arose under the terms of the policy or contract or, if a policy or contract for which an amount is owed on proof of death has not matured by proof of the death of the insured or annuitant, as follows:

(a) With respect to an amount owed on a life or endowment insurance policy, three years after the earlier of the date:

(i) The insurance company has knowledge of the death of the insured; or

(ii) The insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve for the policy is based; and

(b) With respect to an amount owed on an annuity contract, three years after the date the insurance company has knowledge of the death of the annuitant;

(8) Property distributable by a business association in the course of dissolution, one year after the property becomes distributable;

(9) Property held by a court, including property received as proceeds of a class action, one year after the property becomes distributable;

(10) Property held by a government or governmental subdivision, agency, or instrumentality, including municipal bond interest and unredeemed principal under the administration of a paying agent or indenture trustee, one year after the property becomes distributable;

(11) Wages, commissions, bonuses, or reimbursements to which an employee is entitled, or other compensation for personal services, one year after the amount becomes payable;

(12) A deposit or refund owed to a subscriber by a utility, one year after the deposit or refund becomes payable; ~~((and))~~

(13) Payroll card, one year after the amount becomes payable; ~~((and))~~

(14) Excess proceeds from the sale of property by an owner of a self-service storage facility conducted pursuant to RCW 19.150.080, six months from the date of sale;

(15) Excess income from the sale of tenant property by a landlord conducted pursuant to RCW 59.18.312 and 59.18.595, one year from the date of the sale;

(16) Excess funds from the sale of an abandoned vessel by an operator of a private moorage facility conducted pursuant to RCW 88.26.020, one year from the date of the sale; and

(17) Property not specified in this section or RCW 63.30.050 through 63.30.100, the earlier of three years after the owner first has a right to demand the property or the obligation to pay or distribute the property arises.

**Sec. 9.** RCW 82.04.4489 and 2022 c 270 s 5 are each amended to read as follows:

(1) Subject to the limitations in this section, a credit is allowed against the tax imposed under this chapter for contributions made by a person to a Washington motion picture competitiveness program.

(2) The person must make the contribution before claiming a credit authorized under this section. Credits earned under this section may be claimed against taxes due for the calendar year in which the contribution is made. The amount of credit claimed for a reporting period may not exceed the tax otherwise due under this chapter for that reporting period. No person may claim more than \$1,000,000 of credit in any calendar year, including credit carried over from a previous calendar year. No refunds may be granted for any unused credits.

(3) The maximum credit that may be earned for each calendar year under this section for a person is limited to the lesser of \$1,000,000 or an amount equal to ~~((one hundred))~~ 100 percent of the contributions made by the person to a program during the calendar year.

(4) Except as provided under subsection (5) of this section, a tax credit claimed under this section may not be carried over to another year.

(5) Any amount of tax credit otherwise allowable under this section not claimed by the person in any calendar year may be carried over and claimed against the person's tax liability for the next succeeding calendar year. Any credit remaining unused in the next succeeding calendar year may be carried forward and claimed against the person's tax liability for the second succeeding calendar year; and any credit not used in that second succeeding calendar year may be carried over and claimed against the person's tax liability for the third succeeding calendar year, but may not be carried over for any calendar year thereafter.

(6) Credits are available on a first-in-time basis. The department must disallow any

credits, or portion thereof, that would cause the total amount of credits claimed under this section during any calendar year to exceed \$15,000,000. If this limitation is reached, the department must notify all Washington motion picture competitiveness programs that the annual statewide limit has been met. In addition, the department must provide written notice to any person who has claimed tax credits in excess of the limitation in this subsection. The notice must indicate the amount of tax due and provide that the tax be paid within ~~((thirty))~~ 30 days from the date of the notice. The department may not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

(7) To claim a credit under this section, a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format under this section is not filed until received by the department in an electronic format. As used in this subsection, "returns" has the same meaning as "return" in RCW 82.32.050.

(8) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section.

(9) A Washington motion picture competitiveness program must provide to the department, upon request, such information needed to verify eligibility for credit under this section, including information regarding contributions received by the program.

(10) The department may not allow any credit under this section before July 1, 2006.

(11) For the purposes of this section, "Washington motion picture competitiveness program" or "program" means an organization established pursuant to chapter 43.365 RCW.

(12) Persons claiming a credit against the tax imposed under this chapter for contributions made to a Washington motion picture competitiveness program ~~((and not otherwise receiving funding assistance under RCW 43.365.020))~~ are exempt from the annual reporting requirements in RCW 82.32.534 and 43.365.040.

(13) No credit may be earned for contributions made on or after July 1, 2030.

**Sec. 10.** RCW 82.08.0206 and 2022 c 41 s 1 and 2022 c 33 s 1 are each reenacted and amended to read as follows:

(1) A working families' tax credit, in the form of a refund of tax due under this chapter and chapter 82.12 RCW, is provided to eligible low-income persons for sales and use taxes paid under this chapter and chapter 82.12 RCW after January 1, 2022.

(2) For purposes of the credit in this section, the following definitions apply:

(a)(i) "Eligible low-income person" means an individual who:



(A) Is eligible for the credit provided in Title 26 U.S.C. Sec. 32 of the internal revenue code; and

(B) Properly files a federal income tax return for the prior federal tax year, and was a Washington resident during the year for which the credit is claimed.

(ii) "Eligible low-income person" also means an individual who:

(A) Meets the requirements provided in (a)(i)(B) of this subsection; and

(B) Would otherwise qualify for the credit provided in Title 26 U.S.C. Sec. 32 of the internal revenue code except for the fact that the individual filed a federal income tax return for the prior federal tax year using a valid individual taxpayer identification number in lieu of a social security number, and the individual's spouse, if any, and all qualifying children, if any, have a valid individual taxpayer identification number or a social security number.

(b) "Income" means earned income as defined by Title 26 U.S.C. Sec. 32 of the internal revenue code.

(c) "Individual" means an individual or an individual and that individual's spouse if they file a federal joint income tax return.

(d) "Internal revenue code" means the United States internal revenue code of 1986, as amended, as of June 9, 2022, or such subsequent date as the department may provide by rule consistent with the purpose of this section.

(e) "Maximum qualifying income" means the maximum federally adjusted gross income for the prior federal tax year.

(f) "Qualifying child" means a qualifying child as defined by Title 26 U.S.C. Sec. 32 of the internal revenue code, except the child may have a valid individual taxpayer identification number in lieu of a social security number.

(g) "Washington resident" means an individual who is physically present and residing in this state for at least 183 days. "Washington resident" also includes an individual who is not physically present and residing in this state for at least 183 days but is the spouse of a Washington resident. For purposes of this subsection, "day" means a calendar day or any portion of a calendar day.

(3)(a) Except as provided in (b) and (c) of this subsection, for calendar year 2023 and thereafter, the working families' tax credit refund amount for the prior calendar year is:

(i) \$300 for eligible persons with no qualifying children;

(ii) \$600 for eligible persons with one qualifying child;

(iii) \$900 for eligible persons with two qualifying children; or

(iv) \$1,200 for eligible persons with three or more qualifying children.

(b) Except as provided in (f) of this subsection, the refund amounts provided in (a) of this subsection will be reduced, rounded to the nearest dollar, as follows:

(i) For eligible persons with no qualifying children, beginning at \$2,500 of income below the federal phase-out income for the prior federal tax year, by 18

percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(ii) For eligible persons with one qualifying child, beginning at \$5,000 of income below the federal phase-out income for the prior federal tax year, by 12 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(iii) For eligible persons with two qualifying children, beginning at \$5,000 of income below the federal phase-out income for the prior federal tax year, by 15 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(iv) For eligible persons with three or more qualifying children, beginning at \$5,000 of income below the federal phase-out income for the prior federal tax year, by 18 percent per additional dollar of income until the minimum credit amount as specified in (c) of this subsection is reached.

(c) If the refund for an eligible person as calculated in this section is greater than ~~((or equal to one))~~ zero cents, but less than \$50, the refund amount is \$50.

(d) The refund amounts in this section shall be adjusted for inflation every year beginning January 1, 2024, based upon changes in the consumer price index that are published by November 15th of the previous year for the most recent 12-month period. The adjusted refund amounts must be rounded to the nearest \$5.

(e) For purposes of this section, "consumer price index" means, for any 12-month period, the average consumer price index for that 12-month period for the Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(f) The percentage rate of remittance reductions in (b) of this subsection must be adjusted every year beginning January 1, 2023, based on calculations by the department that result in the minimum credit being received at the maximum qualifying income level.

(4) The working families' tax credit shall be administered as provided in this subsection.

(a) The refund paid under this section will be paid to eligible filers who apply pursuant to this subsection.

(i) Application must be made to the department in a form and manner determined by the department. If the application process is initially done electronically, the department must provide a paper application upon request. The application must include any information and documentation as required by the department.

(ii) Application for the refund under this section must be made in the year following the year for which the federal tax return was filed, but in no case may any refund be provided for any period before January 1, 2022. The department must use the eligible person's most recent federal tax filing for the tax year for which the refund is being claimed to calculate the refund.

(iii) A person may not claim a credit on behalf of a deceased individual. No

individual may claim a credit under this section for any year in a disallowance period under Title 26 U.S.C. Sec. 32(k)(1) of the internal revenue code or for any year for which the individual is ineligible to claim the credit in Title 26 U.S.C. Sec. 32 of the internal revenue code by reason of Title 26 U.S.C. Sec. 32(k)(2) of the internal revenue code.

(b) The department shall protect the privacy and confidentiality of personal data of refund recipients in accordance with chapter 82.32 RCW.

(c) The department shall, in conjunction with other agencies or organizations, design and implement a public information campaign to inform potentially eligible persons of the existence of, and requirements for, the credit provided in this section.

(d) The department must work with the internal revenue service to administer the credit on an automatic basis as soon as practicable.

(5) Receipt of the refund under this section may not be used in eligibility determinations for any state income support programs or in making public charge determinations.

(6) The department may adopt rules necessary to implement this section. This includes establishing a date by which applications will be accepted, with the aim of accepting applications as soon as possible.

(7) The department must review the application and determine eligibility for the working families' tax credit based on information provided by the applicant and through audit and other administrative records, including, when it deems it necessary, verification through internal revenue service data.

(8) If, upon review of internal revenue service data or other information obtained by the department, it appears that an individual received a refund that the individual was not entitled to, or received a larger refund than the individual was entitled to, the department may assess against the individual the overpaid amount. The department may also assess such overpaid amount against the individual's spouse if the refund in question was based on both spouses filing a joint federal income tax return for the year for which the refund was claimed.

(a) Interest as provided under RCW 82.32.050 applies to assessments authorized under this subsection (8) starting six months after the date the department issued the assessment until the amount due under this subsection (8) is paid in full to the department. Except as otherwise provided in this subsection, penalties may not be assessed on amounts due under this subsection.

(b) If an amount due under this subsection is not paid in full by the date due, or the department issues a warrant for the collection of amounts due under this subsection, the department may assess the applicable penalties under RCW 82.32.090. Penalties under this subsection (8)(b) may not be made due until six months after the department's issuance of the assessment.

(c) If the department finds by clear, cogent, and convincing evidence that an individual knowingly submitted, caused to be submitted, or consented to the submission of, a fraudulent claim for refund under this section, the department must assess a penalty of 50 percent of the overpaid amount. This penalty is in addition to any other applicable penalties assessed in accordance with (b) of this subsection (8).

(9) If, within the period allowed for refunds under RCW 82.32.060, the department finds that an individual received a lesser refund than the individual was entitled to, the department must remit the additional amount due under this section to the individual.

(10) Interest does not apply to refunds provided under this section.

(11) Chapter 82.32 RCW applies to the administration of this section.

**Sec. 11.** RCW 82.14.070 and 2003 c 168 s 202 are each amended to read as follows:

(1) It is the intent of this chapter that any local sales and use tax adopted pursuant to this chapter be identical to the state sales and use tax, unless otherwise prohibited by federal law, and with other local sales and use taxes adopted pursuant to this chapter.

(2) It is further the intent of this chapter that the local sales and use tax shall be imposed upon an individual taxable event simultaneously with the imposition of the state sales or use tax upon the same taxable event. The rule making powers of the state department of revenue contained in RCW 82.08.060 and 82.32.300 shall be applicable to this chapter. The department shall, as soon as practicable, and with the assistance of the appropriate associations of county prosecutors and city attorneys, draft a model resolution and ordinance.

(3) Except as otherwise provided by law, all state sales and use tax exemptions, credits, and deductions apply in an identical manner to local sales and use taxes adopted pursuant to this chapter or other provision of law.

**Sec. 12.** RCW 82.32.045 and 2022 c 295 s 2 are each amended to read as follows:

(1) Except as otherwise provided in this chapter and subsection (6) of this section, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, ~~((and))~~ 82.16, and 82.27 RCW, along with reports and returns on forms prescribed by the department, are due monthly within ~~((twenty-five))~~ 25 days after the end of the month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. Except as provided in subsection (3) of this section, for these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) For annual filers, tax payments, along with reports and returns on forms

prescribed by the department, are due on or before April 15th of the year immediately following the end of the period covered by the return.

(4) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(5) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than \$125,000 per year;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than (~~twenty-four thousand dollars~~) \$24,000 per year; and

(c) The person is not required to collect or pay to the department of revenue any other tax or fee which the department is authorized to collect.

(6)(a) Taxes imposed under chapter 82.08 or 82.12 RCW on taxable events that occur beginning January 1, 2019, through June 30, 2019, and payable by a consumer directly to the department are due, on returns prescribed by the department, by July 25, 2019.

(b) This subsection (6) does not apply to the reporting and payment of taxes imposed under chapters 82.08 and 82.12 RCW:

(i) On the retail sale or use of motor vehicles, vessels, or aircraft; or

(ii) By consumers who are engaged in business, unless the department has relieved the consumer of the requirement to file returns pursuant to subsection (5) of this section.

**Sec. 13.** RCW 82.32.105 and 2017 c 323 s 106 are each amended to read as follows:

(1) If the department finds that the payment by a taxpayer of a tax less than that properly due or the failure of a taxpayer to pay any tax by the due date was the result of circumstances beyond the control of the taxpayer, the department must waive or cancel any penalties imposed under this chapter with respect to such tax.

(2) The department must waive or cancel the penalty imposed under RCW 82.32.090(1) when the circumstances under which the delinquency occurred do not qualify for waiver or cancellation under subsection (1) of this section if:

(a) The taxpayer requests the waiver for a tax return required to be filed under RCW 54.28.040, 82.32.045, 82.14B.061, 82.23B.020, (~~82-27-060,~~) 82.29A.050, or 84.33.086; and

(b) The taxpayer has timely filed and remitted payment on all tax returns due for that tax program for a period of (~~twenty-four~~) 24 months immediately preceding the period covered by the return for which the waiver is being requested.

(3) The department must waive or cancel interest imposed under this chapter if:

(a) The failure to timely pay the tax was the direct result of written instructions given the taxpayer by the department; or

(b) The extension of a due date for payment of an assessment of deficiency was not at the request of the taxpayer and was for the sole convenience of the department.

(4) The department must adopt rules for the waiver or cancellation of penalties and interest imposed by this chapter.

**Sec. 14.** RCW 82.60.020 and 2010 1st sp.s. c 16 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means:

(a) Through June 30, 2010, a rural county as defined in RCW 82.14.370; and

(b) Beginning July 1, 2010, a qualifying county.

(4)(a) "Eligible investment project" means an investment project that is located, as of the date the deferral application (~~required by RCW 82.60.030~~) is received by the department, in an eligible area as defined in subsection (3) of this section.

(b) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(4), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects that have already received deferrals under this chapter.

(5)(a) "Initiation of construction" (~~has the same meaning as in RCW 82.63.010~~) means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(6) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning,

installation, and construction of the project.

(7) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes:

(a) Before July 1, 2010: (i) Computer programming, the production of computer software, and other computer-related services, but only when the computer programming, production of computer software, or other computer-related services are performed by a manufacturer as defined in RCW 82.04.110 and contribute to the production of a new, different, or useful substance or article of tangible personal property for sale; (ii) the activities performed by research and development laboratories and commercial testing laboratories; and (iii) the conditioning of vegetable seeds; and

(b) Beginning July 1, 2010: (i) The activities performed by research and development laboratories and commercial testing laboratories; and (ii) the conditioning of vegetable seeds.

(8) "Person" has the meaning given in RCW 82.04.030.

(9) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral must be determined by apportionment of the costs of construction under rules adopted by the department.

(10) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The term "entire tax year" means a full-time position that is filled for a period of ~~((twelve))12~~ consecutive months. The term "full-time" means at least ~~((thirty-five))35~~ hours a week, ~~((four hundred fifty-five))455~~ hours a quarter, or ~~((one thousand eight hundred twenty))1,820~~ hours a year.

(11) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(12) "Qualifying county" means a county that has an unemployment rate, as determined by the employment security department, which is at least ~~((twenty))20~~ percent above the state average for the three calendar years immediately preceding the year in which the

list of qualifying counties is established or updated, as the case may be, as provided in RCW 82.60.120.

(13) "Recipient" means a person receiving a tax deferral under this chapter.

(14) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun, but only when such activities are intended to ultimately result in the production of a new, different, or useful substance or article of tangible personal property for sale. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed ~~((one million dollars))\$1,000,000~~.

**Sec. 15.** RCW 82.60.049 and 2010 1st sp.s. c 16 s 7 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved under RCW 43.31C.020.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) ~~((In addition to the provisions of RCW 82.60.040, the))Until July 1, 2020, the~~ department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each ~~((seven hundred fifty thousand dollars))\$750,000~~ of investment for which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone or the county in which the zone is located. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) The qualified employment position must be filled by the end of the calendar year following the year in which the project is certified as operationally complete. If a person does not meet the requirements for qualified employment positions by the end of the second calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

**Sec. 16.** RCW 82.60.060 and 2010 1st sp.s. c 16 s 8 are each amended to read as follows:

(1) ~~((The))~~ In the event the eligible investment project ceases to meet the requirements of this chapter, the recipient must begin paying the deferred taxes in the third year after the date certified by the department as the date on which the investment project has been operationally completed. The first payment ~~((will be))~~ is due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years with amounts of payment scheduled as follows:

Repayment Year	% of Deferred Tax Repaid
1	10%
2	15%
3	20%
4	25%
5	30%

(2) The department may authorize an accelerated repayment schedule upon request of the recipient.

(3) Interest may not be charged on any taxes deferred under this chapter for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes ~~((will))~~ may not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

**Sec. 17.** RCW 82.60.070 and 2017 c 135 s 36 are each amended to read as follows:

(1)(a) Each recipient of a deferral of taxes granted under this chapter must file a complete annual tax performance report with the department under RCW 82.32.534. If the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025, the lessee must file a complete annual tax performance report, and the applicant is not required to file a complete annual tax performance report.

(b) The department must use the information reported on the annual tax performance report required by this section to study the tax deferral program authorized under this chapter. The department must report to the legislature by December 1, 2018. The report must measure the effect of the program on job creation, the number of jobs created for residents of eligible areas, company growth, and such other factors as the department selects.

(2) Except as provided in RCW 82.60.063, if, on the basis of a tax performance report under RCW 82.32.534 or other information, the department finds that an investment project is not eligible for tax deferral under this chapter, the amount of deferred taxes outstanding for the project, according to the repayment schedule in RCW 82.60.060, is immediately due. For purposes of this subsection (2), the repayment schedule in RCW 82.60.060 is ~~((totted))~~ suspended during

the period of time that a taxpayer is receiving relief from repayment of deferred taxes under RCW 82.60.063.

(3) A recipient who must repay deferred taxes under subsection (2) of this section because the department has found that an investment project is not eligible for tax deferral under this chapter is no longer required to file annual tax performance reports under RCW 82.32.534 beginning on the date an investment project is used for nonqualifying purposes.

(4) Notwithstanding any other provision of this section or RCW 82.32.534, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

**Sec. 18.** RCW 82.70.900 and 2015 3rd sp.s. c 44 s 416 are each amended to read as follows:

~~((Except for RCW 82.70.050, this))~~ This chapter expires July 1, 2024.

**Sec. 19.** RCW 82.73.030 and 2021 c 112 s 2 are each amended to read as follows:

(1) Subject to the limitations in this chapter, a credit is allowed against the tax imposed by chapters 82.04 and 82.16 RCW for approved contributions that are made by a person to a program or the main street trust fund.

(2)(a) Except as provided in (b) of this subsection, the credit allowed under this section is limited to an amount equal to:

(i) Seventy-five percent of the approved contribution made by a person to a program; or

(ii) Fifty percent of the approved contribution made by a person to the main street trust fund.

(b) Beginning with contributions made in calendar year 2021, an additional credit is allowed equal to 25 percent of the approved contribution made by a person to the main street trust fund.

(3) The department may not approve credit with respect to a program in a city or town with a population of ~~((one hundred ninety thousand))~~ 190,000 persons or more at the time of designation under RCW 43.360.030.

(4) The department must keep a running total of all credits approved under this chapter for each calendar year. The department may not approve any credits under this section that would cause the total amount of approved credits statewide to exceed \$5,000,000 in any calendar year.

(5)(a)(i) The total credits allowed under this chapter for contributions made to each program may not exceed \$160,000 in a calendar year.

(ii) Between 8:00 a.m., Pacific standard time, on the second Monday in January and 8:00 a.m., Pacific daylight time, on April 1st of the same calendar year, the department must evenly allocate the amount of statewide credits allowed under subsection (4) of this section based on the

total number of programs and the main street trust fund as of January 1st in the same calendar year. The department may not approve contributions for a program or the main street trust fund that would cause the total amount of approved credits for a program or the main street trust fund to exceed the allocated amount.

(b) The total credits allowed under this chapter for a person may not exceed ~~((two hundred fifty thousand dollars))~~ \$250,000 in a calendar year.

(6) Except as provided in subsection (8) of this section, the credit may be claimed against any tax due under chapters 82.04 and 82.16 RCW only in the calendar year immediately following the calendar year in which the credit was approved by the department and the contribution was made to the program or the main street trust fund. Credits may not be carried over to subsequent years. No refunds may be granted for credits under this chapter.

(7) The total amount of the credit claimed in any calendar year by a person may not exceed the lesser amount of:

(a) The approved credit; or

(b) Seventy-five percent of the amount of the contribution that is made by the person to a program and 75 percent of the amount of the contribution that is made by the person to the main street trust fund, in the prior calendar year.

(8) Any credits provided in accordance with this chapter for approved contributions made in calendar year 2020 may be carried over for an additional two years and must be used by December 31, 2023.

(9) No credit is allowed or may be claimed under this section on or after January 1, 2032.

**Sec. 20.** RCW 82.90.080 and 2022 c 161 s 8 are each amended to read as follows:

A lessor or owner of an eligible investment project is not eligible for a deferral under this chapter unless:

(1) The underlying ownership of the qualified solar canopy vests exclusively in the same person; or

(2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual tax performance report required under RCW ~~((82-63-020(2)))~~ 82.32.534; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the eligible investment project and the lessee.

**Sec. 21.** RCW 84.52.120 and 1995 c 99 s 1 are each amended to read as follows:

A metropolitan park district with a population of ~~((one hundred fifty thousand))~~ 150,000 or more may submit a ballot proposition to voters of the district authorizing the protection of the district's tax levy from prorationing under RCW

84.52.010 ~~((+2))~~ (3)(b) by imposing all or any portion of the district's ~~((twenty-five))~~ 25 cent per ~~((thousand dollars))~~ \$1,000 of assessed valuation tax levy outside of the ~~((five dollar and ninety cent))~~ \$5.90 per ~~((thousand dollar))~~ \$1,000 of assessed valuation limitation established under RCW 84.52.043(2), if those taxes otherwise would be prorated under RCW 84.52.010 ~~((+2)(e-))~~ (3)(b)(iv), for taxes imposed in any year on or before the first day of January six years after the ballot proposition is approved. A simple majority vote of voters voting on the proposition is required for approval.

**Sec. 22.** RCW 84.52.816 and 2015 c 170 s 3 are each amended to read as follows:

A flood control zone district in a county with a population of ~~((seven hundred seventy-five thousand))~~ 775,000 or more, or a county within the Chehalis river basin, that is coextensive with a county may protect the levy under RCW 86.15.160 from prorationing under RCW 84.52.010(3)(b) ~~((+ii))~~ (iii) by imposing up to a total of ~~((twenty-five))~~ 25 cents per ~~((thousand dollars))~~ \$1,000 of assessed value of the tax levy authorized under RCW 86.15.160 outside of the ~~((five dollars and ninety cents))~~ \$5.90 per ~~((thousand dollars))~~ \$1,000 of assessed value limitation under RCW 84.52.043(2), if those taxes otherwise would be prorated under RCW 84.52.010(3)(b) ~~((+ii))~~ (iii).

**Sec. 23.** RCW 88.02.620 and 2021 c 150 s 1 are each amended to read as follows:

(1) A vessel owner who is a nonresident person must obtain a nonresident vessel permit on or before the ~~((sixty-first))~~ 61st day of use in Washington state if the vessel:

(a) Is currently registered or numbered under the laws of the state or ~~((county feountry))~~ country of principal operation, has been issued a valid number under federal law, or has a valid United States customs service cruising license issued under 19 C.F.R. Sec. 4.94; and

(b) Has been brought into Washington state for not more than six months in any continuous ~~((twelve))~~ 12-month period, and is used:

(i) For personal use; or

(ii) For the purposes of chartering a vessel with a captain or crew, as long as individual charters are for at least three or more consecutive days in duration. The permit also applies for the purposes of necessary transit to or from the start or end point of such a charter, but that transit time is not counted toward the duration of the charter.

(2) In addition to the requirements in subsection (1) of this section, a nonresident vessel owner that is not a natural person, or a nonresident vessel owner who is a natural person who intends to charter the vessel with a captain or crew as provided in subsection (1)(b)(ii) of this section, may only obtain a nonresident vessel permit if:

(a) The vessel is at least ~~((thirty))~~ 30 feet in length, but no more than ~~((two hundred))~~ 200 feet in length;

(b) No Washington state resident owns the vessel or is a principal, as defined in RCW 82.32.865, of the nonresident person which owns the vessel; and

(c) The department of revenue has provided the nonresident vessel owner written approval authorizing the permit as provided in RCW 82.32.865.

(3) A nonresident vessel permit:

(a) May be obtained from the department, county auditor or other agent, or subagent appointed by the director;

(b) Must show the date the vessel first came into Washington state; and

(c) Is valid for two months.

(4) The department, county auditor or other agent, or subagent appointed by the director must collect the fee required in RCW 88.02.640(1)(i) when issuing nonresident vessel permits.

(5) A nonresident vessel permit is not required under this section if the vessel is used in conducting temporary business activity within Washington state.

(6) For any permits issued under this section to a nonresident vessel owner that is not a natural person, or for any permits issued to a natural person who intends to charter the vessel with a captain or crew as provided in subsection (1)(b)(ii) of this section, the department must maintain a record of the following information and provide it to the department of revenue quarterly or as otherwise mutually agreed to by the department and department of revenue:

(a) The name of the record owner of the vessel;

(b) The vessel's hull identification number;

(c) The amount of the fee paid under RCW 88.02.640(5);

(d) The date the vessel first entered the waters of this state;

(e) The expiration date for the permit; and

(f) Any other information mutually agreed to by the department and department of revenue.

(7) The department must adopt rules to implement this section, including rules on issuing and displaying the nonresident vessel permit.

**Sec. 24.** RCW 88.26.020 and 2013 c 291 s 41 are each amended to read as follows:

(1) Any private moorage facility operator may take reasonable measures, including the use of chains, ropes, and locks, or removal from the water, to secure vessels within the private moorage facility so that the vessels are in the possession and control of the operator and cannot be removed from the facility. These procedures may be used if an owner mooring or storing a vessel at the facility fails, after being notified that charges are owing and of the owner's right to commence legal proceedings to contest that such charges are owing, to pay charges owed or to commence legal proceedings. Notification shall be by two separate letters, one sent by first-class mail and one sent by registered mail to the owner and any lienholder of record at the last known address. In the case of a transient vessel, or where no address was furnished by the

owner, the operator need not give notice prior to securing the vessel. At the time of securing the vessel, an operator shall attach to the vessel a readily visible notice. The notice shall be of a reasonable size and shall contain the following information:

(a) The date and time the notice was attached;

(b) A statement that if the account is not paid in full within ~~((ninety))~~ 90 days from the time the notice is attached the vessel may be sold at public auction to satisfy the charges; and

(c) The address and telephone number where additional information may be obtained concerning release of the vessel.

After a vessel is secured, the operator shall make a reasonable effort to notify the owner and any lienholder of record by registered mail in order to give the owner the information contained in the notice.

(2) A private moorage facility operator, at his or her discretion, may move moored vessels ashore for storage within properties under the operator's control or for storage with a private person under their control as bailees of the private moorage facility, if the vessel is, in the opinion of the operator, a nuisance, in danger of sinking or creating other damage, or is owing charges. The costs of any such procedure shall be paid by the vessel's owner.

(3) If a vessel is secured under subsection (1) of this section or moved ashore under subsection (2) of this section, the owner who is obligated to the private operator for charges may regain possession of the vessel by:

(a) Making arrangements satisfactory with the operator for the immediate removal of the vessel from the facility or for authorized moorage; and

(b) Making payment to the operator of all charges, or by posting with the operator a sufficient cash bond or other acceptable security, to be held in trust by the operator pending written agreement of the parties with respect to payment by the vessel owner of the amount owing, or pending resolution of the matter of the charges in a civil action in a court of competent jurisdiction. After entry of judgment, including any appeals, in a court of competent jurisdiction, or after the parties reach agreement with respect to payment, the trust shall terminate and the operator shall receive so much of the bond or other security as agreed, or as is necessary, to satisfy any judgment, costs, and interest as may be awarded to the operator. The balance shall be refunded immediately to the owner at the last known address.

(4) If a vessel has been secured by the operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within ~~((ninety))~~ 90 days after notifying or attempting to notify the owner under subsection (1) of this section, the vessel is conclusively presumed to have been abandoned by the owner.

(5) If a vessel moored or stored at a private moorage facility is abandoned, the operator may authorize the public sale of the vessel by authorized personnel,

consistent with this section, to the highest and best bidder for cash as follows:

(a) Before the vessel is sold, the vessel owner and any lienholder of record shall be given at least ~~((twenty))~~ 20 days' notice of the sale in the manner set forth in subsection (1) of this section if the name and address of the owner is known. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of charges owed with respect to the vessel. The notice of sale shall be published at least once, more than ~~((ten))~~ 10 but not more than ~~((twenty))~~ 20 days before the sale, in a newspaper of general circulation in the county in which the facility is located. This notice shall include the name of the vessel, if any, the last known owner and address, and a reasonable description of the vessel to be sold. The operator may bid all or part of its charges at the sale and may become a purchaser at the sale.

(b) Before the vessel is sold, any person seeking to redeem an impounded vessel under this section may commence a lawsuit in the superior court for the county in which the vessel was impounded to contest the validity of the impoundment or the amount of charges owing. This lawsuit must be commenced within ~~((sixty))~~ 60 days of the date the notification was provided under subsection (1) of this section, or the right to a hearing is deemed waived and the owner is liable for any charges owing the operator. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(c) The proceeds of a sale under this section shall be applied first to the payment of any liens superior to the claim for charges, then to payment of the charges, then to satisfy any other liens on the vessel in the order of their priority. The balance, if any, shall be paid to the owner. If the owner cannot in the exercise of due diligence be located by the operator within one year of the date of the sale, the excess funds from the sale shall revert to the department of revenue under chapter ~~((63-29))~~ 63.30 RCW. If the sale is for a sum less than the applicable charges, the operator is entitled to assert a claim for deficiency, however, the deficiency judgment shall not exceed the moorage fees owed for the previous six-month period.

(d) In the event no one purchases the vessel at a sale, or a vessel is not removed from the premises or other arrangements are not made within ~~((ten))~~ 10 days of sale, title to the vessel will revert to the operator.

(e) Either a minimum bid may be established or a letter of credit may be required from the buyer, or both, to discourage the future abandonment of the vessel.

(6) The rights granted to a private moorage facility operator under this section are in addition to any other legal rights an operator may have to hold and sell a vessel and in no manner does this section alter those rights, or affect the priority of other liens on a vessel.

NEW SECTION. **Sec. 25.** The following acts or parts of acts are each repealed:

(1) RCW 82.12.02088 (Exemptions—Digital products—Business buyers—Concurrently available for use within and outside state—Apportionment) and 2017 c 323 s 522 & 2009 c 535 s 702;

(2) RCW 82.27.060 (Payment of tax—Remittance—Returns) and 2006 c 256 s 3, 2003 1st sp.s. c 13 s 10, 1990 c 214 s 1, & 1980 c 98 s 6; and

(3) RCW 82.70.050 (Credit taken, director must advise) and 2022 c 182 s 312, 2015 3rd sp.s. c 44 s 415, 2015 1st sp.s. c 10 s 710, 2014 c 222 s 706, & 2003 c 364 s 5.

NEW SECTION. **Sec. 26.** Sections 1 through 4, 6 through 8, and 24 of this act apply both prospectively and retroactively to January 1, 2023.

NEW SECTION. **Sec. 27.** Section 23 of this act expires January 1, 2029."

Correct the title.

Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chopp; Ramel; Santos; Springer; Stokesbary; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

March 17, 2023

SSB 5569

Prime Sponsor, Health & Long Term Care: Creating exemptions from certificate of need requirements for kidney disease centers. Reported by Committee on Health Care & Wellness

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

Referred to Committee on Rules for second reading

March 17, 2023

SSB 5687

Prime Sponsor, Ways & Means: Creating and supporting postsecondary wrestling grant programs. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Leavitt; Paul and Timmons.

MINORITY recommendation: Do not pass. Signed by Representatives Jacobsen; and McEntire.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker; and Schmidt.

Referred to Committee on Appropriations

March 17, 2023



SB 5711 Prime Sponsor, Senator Nobles: Extending the terms of eligibility for the Washington college grant program. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Schmidt and Timmons.

Referred to Committee on Appropriations

March 17, 2023

SSB 5729 Prime Sponsor, Health & Long Term Care: Removing the expiration date on the cost-sharing cap for insulin. Reported by Committee on Health Care & Wellness

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

Referred to Committee on Rules for second reading

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 sixth order of business.

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5005, by Senate Committee on Law & Justice (originally sponsored by Pedersen, Padden, Dhingra and Nobles)**

**Concerning real property.**

The bill was read the second time.

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

Representatives Hansen and Cheney spoke in favor of the passage of the bill.

## MOTION

On motion of Representative Griffey, Representative Eslick was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5005.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5005, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low,

Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Eslick

SUBSTITUTE SENATE BILL NO. 5005, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5121, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland)**

**Establishing the joint select committee on health care and behavioral health oversight.**

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5121.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5121, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Eslick

SUBSTITUTE SENATE BILL NO. 5121, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5036, by Senators Muzzall, Holy, Van De Wege and Warnick**

**Concerning telemedicine.**

The bill was read the second time.

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

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

## MOTION

On motion of Representative Leavitt, Representative Simmons was excused.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5036.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5036, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Simmons

SENATE BILL NO. 5036, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5338, by Senate Committee on Health & Long Term Care (originally sponsored by Cleveland, Muzzall, Conway and Randall)**

#### Reviewing the state's essential health benefits.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Health Care & Wellness was adopted. For Committee amendment, see Journal, Day 64, Monday, March 13, 2023.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5338, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5338, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Simmons

SUBSTITUTE SENATE BILL NO. 5338, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5122, by Senators Cleveland, Muzzall, Van De Wege and Wellman**

#### Extending the expiration date of the ambulance transport fund.

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5122.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5122, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Orcutt

Excused: Representatives Eslick and Simmons

SENATE BILL NO. 5122, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5257, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Nobles, Wilson, C., Billig, Cleveland, Dozier, Frame, Hasegawa, Hunt, Liias, Lovelett, Lovick, Nguyen, Saldaña, Valdez and Wellman)**

#### Ensuring elementary school students receive sufficient daily recess.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was before the House for purpose of amendment. For Committee amendment, see Journal, Day 64, Monday, March 13, 2023.

Representative Harris moved the adoption of amendment (494) to the committee striking amendment:

On page 3, beginning on line 5 of the striking amendment, strike all of subsection (vii)

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

Representatives Harris, Walsh, Volz, Abbarno, McEntire and Chambers spoke in favor of the adoption of the amendment to the committee striking amendment.

Representatives Santos and Stonier spoke against the adoption of the amendment to the committee striking amendment.

Amendment (494) to the committee striking amendment was not adopted.

There being no objection, the committee striking amendment by the Committee on Committee was adopted. For Committee amendment, see Journal, Day 64, Monday, March 13, 2023.

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

Representatives Berg and Low spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5257, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5257, as amended by the House, and the bill passed the House by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chandler, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, McEntire, Mena, Morgan, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Sandlin, Santos, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Chambers, Christian, Corry, Dent, Goehner, Harris, Jacobsen, Maycumber, Mosbrucker, Robertson, Rude, Schmick, Steele, Walsh and Ybarra

Excused: Representatives Eslick and Simmons

ENGROSSED SUBSTITUTE SENATE BILL NO. 5257, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5004, by Senators Pedersen, Padden, Dhingra, Mullet, Nobles and Wilson, J.**

**Making updates to the Washington business corporation act.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was adopted. For Committee amendment, see Journal, Day 64, Monday, March 13, 2023.

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

Representatives Hansen and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5004, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5004, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Eslick and Simmons

SENATE BILL NO. 5004, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5065, by Senators Short, Wellman, Lovick and Valdez**

**Encouraging public school instruction in awareness of bone marrow donation.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was adopted. For Committee amendment, see Journal, Day 64, Monday, March 13, 2023.

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

Representatives Maycumber and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5065, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5065, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Leavitt and Ramos

Excused: Representative Eslick

SENATE BILL NO. 5065, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 9:55 a.m., Tuesday, March 21, 2023, the 72nd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SEVENTY SECOND DAY

House Chamber, Olympia, Tuesday, March 21, 2023

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4627**, by Representative Klicker

WHEREAS, Dean Atkinson, Jr. was born on November 29, 1994, in Savannah, Georgia, and graduated from Walla Walla High School in 2013; and

WHEREAS, Dean Atkinson, Jr. served our country honorably in the Washington Army National Guard alongside his father Dean Atkinson, Sr.; and

WHEREAS, Dean Atkinson, Jr. was commissioned on June 6, 2018, with the 109th Trooper Basic Training Class as a Washington State Patrol Trooper assigned to Moses Lake, Washington, then transferred to Walla Walla, Washington in 2019; and

WHEREAS, Trooper Dean Atkinson, Jr. has become a strong and vital link between the work of the Washington State Patrol and the community he served; and

WHEREAS, Trooper Dean Atkinson, Jr. fully embodies the Washington State Patrol's motto of "Service with Humility" by performing his duties professionally with a positive attitude, a ubiquitous smile, and a sense of respect for the community he serves; and

WHEREAS, Trooper Dean Atkinson, Jr., while in the line of duty, was critically wounded when he was ambushed while on routine patrol in Walla Walla on September 22, 2022; and

WHEREAS, Trooper Dean Atkinson, Jr. having been shot three times, once in the left hand and twice in the face, drove himself to Providence St. Mary Medical Center for treatment; and

WHEREAS, Trooper Dean Atkinson, Jr. is not only a loving son and brother, but also a devoted partner to his fiancé, Meagan Graves;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives express its gratitude, respect, and admiration to Trooper Dean Atkinson, Jr. for his bravery in the line of fire; and

BE IT FURTHER RESOLVED, That the House of Representatives join the people of the State of Washington in commending, saluting, and honoring Trooper Dean Atkinson, Jr. for his exemplary and exceptional service; and

BE IT FURTHER RESOLVED, That the House of Representatives express profound appreciation and enduring gratitude to the brave men and women that protect our state every day as law enforcement officers; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Trooper Dean Atkinson, Jr., Washington State Patrol Chief John R. Batiste, and Washington State Patrol District 3 Commander Shane M. Nelson.

HOUSE RESOLUTION NO. 4627 was adopted.

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

## REPORTS OF STANDING COMMITTEES

March 17, 2023

SSB 5006

Prime Sponsor, Law & Justice: Clarifying waiver of firearm rights. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.41.010 and 2022 c 105 s 2 and 2022 c 104 s 2 are each reenacted to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Assemble" means to fit together component parts.

(3) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(4) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

(5) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996,

which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(6) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

(7) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(8) "Distribute" means to give out, provide, make available, or deliver a firearm or large capacity magazine to any person in this state, with or without consideration, whether the distributor is in-state or out-of-state. "Distribute" includes, but is not limited to, filling orders placed in this state, online or otherwise. "Distribute" also includes causing a firearm or large capacity magazine to be delivered in this state.

(9) "Family or household member" has the same meaning as in RCW 7.105.010.

(10) "Federal firearms dealer" means a licensed dealer as defined in 18 U.S.C. Sec. 921(a)(11).

(11) "Federal firearms importer" means a licensed importer as defined in 18 U.S.C. Sec. 921(a)(9).

(12) "Federal firearms manufacturer" means a licensed manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

(13) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(14) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(15) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

(16) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other

device designed solely to be used for construction purposes.

(17) (a) "Frame or receiver" means a part of a firearm that, when the complete firearm is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any such part identified with a serial number shall be presumed, absent an official determination by the bureau of alcohol, tobacco, firearms, and explosives or other reliable evidence to the contrary, to be a frame or receiver.

(b) For purposes of this subsection, "fire control component" means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: Hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.

(18) "Gun" has the same meaning as firearm.

(19) "Import" means to move, transport, or receive an item from a place outside the territorial limits of the state of Washington to a place inside the territorial limits of the state of Washington. "Import" does not mean situations where an individual possesses a large capacity magazine when departing from, and returning to, Washington state, so long as the individual is returning to Washington in possession of the same large capacity magazine the individual transported out of state.

(20) "Intimate partner" has the same meaning as provided in RCW 7.105.010.

(21) "Large capacity magazine" means an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in possession of or under the control of the same person, but shall not be construed to include any of the following:

(a) An ammunition feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition;

(b) A 22 caliber tube ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm.

(22) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(23) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

(24) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

(25) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

(26) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(27) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(28) "Manufacture" means, with respect to a firearm or large capacity magazine, the fabrication, making, formation, production, or construction of a firearm or large capacity magazine, by manual labor or by machinery.

(29) "Mental health professional" means a psychiatrist, psychologist, or physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, social worker, mental health counselor, marriage and family therapist, or such other mental health professionals as may be defined in statute or by rules adopted by the department of health pursuant to the provisions of chapter 71.05 RCW.

(30) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a) (15).

~~((30))~~ (31) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

~~((31))~~ (32) "Pistol" means any firearm with a barrel less than 16 inches in length, or is designed to be held and fired by the use of a single hand.

~~((32))~~ (33) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

~~((33))~~ (34) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

~~((34))~~ (35) "Secure gun storage" means:

(a) A locked box, gun safe, or other secure locked storage space that is designed to prevent unauthorized use or discharge of a firearm; and

(b) The act of keeping an unloaded firearm stored by such means.

~~((35))~~ (36) (a) "Semiautomatic assault rifle" means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and

chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(b) "Semiautomatic assault rifle" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

~~((36))~~ (37) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least 10 years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age 14;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense; or

(p) Any felony conviction under RCW 9.41.115.

~~((37))~~ (38) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than 26 inches.

~~((38))~~ (39) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than 26 inches.

~~((39))~~ (40) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single

projectile for each single pull of the trigger.

~~((40))~~ (41) "Substance use disorder professional" means a person certified under chapter 18.205 RCW.

(42) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.

~~((41))~~ (43) "Undetectable firearm" means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately depicts the shape of the part when examined by the types of X-ray machines commonly used at airports.

~~((42))~~ (44) (a) "Unfinished frame or receiver" means a frame or receiver that is partially complete, disassembled, or inoperable, that: (i) Has reached a stage in manufacture where it may readily be completed, assembled, converted, or restored to a functional state; or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once finished or completed, including without limitation products marketed or sold to the public as an 80 percent frame or receiver or unfinished frame or receiver.

(b) For purposes of this subsection:

(i) "Readily" means a process that is fairly or reasonably efficient, quick, and easy, but not necessarily the most efficient, speedy, or easy process. Factors relevant in making this determination, with no single one controlling, include the following: (A) Time, i.e., how long it takes to finish the process; (B) ease, i.e., how difficult it is to do so; (C) expertise, i.e., what knowledge and skills are required; (D) equipment, i.e., what tools are required; (E) availability, i.e., whether additional parts are required, and how easily they can be obtained; (F) expense, i.e., how much it costs; (G) scope, i.e., the extent to which the subject of the process must be changed to finish it; and (H) feasibility, i.e., whether the process would damage or destroy the subject of the process, or cause it to malfunction.

(ii) "Partially complete," as it modifies frame or receiver, means a forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture where it is clearly identifiable as an unfinished component part of a firearm.

~~((43))~~ (45) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

~~((44))~~ (46) "Untraceable firearm" means any firearm manufactured after July 1, 2019,

that is not an antique firearm and that cannot be traced by law enforcement by means of a serial number affixed to the firearm by a federal firearms manufacturer, federal firearms importer, or federal firearms dealer in compliance with all federal laws and regulations.

**Sec. 2.** RCW 9.41.040 and 2022 c 268 s 28 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by one family or household member against another or by one intimate partner against another, as those terms are defined by the statutes in effect at the time of the commission of the crime, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 10.99.040 or any of the former RCW 26.50.060, 26.50.070, and 26.50.130);

(ii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of harassment when committed by one family or household member against another or by one intimate partner against another, committed on or after June 7, 2018;

(iii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of a violation of the provisions of a protection order under chapter 7.105 RCW restraining the person or excluding the person from a residence, when committed by one family or household member against another or by one intimate partner against another, committed on or after July 1, 2022;

(iv) During any period of time that the person is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW or any of the former chapters 7.90, 7.92, 10.14, and 26.50 RCW that:



(A) Was issued after a hearing for which the person received actual notice, and at which the person had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(B) Restrains the person from harassing, stalking, or threatening the person protected under the order or child of the person or protected person, or engaging in other conduct that would place the protected person in reasonable fear of bodily injury to the protected person or child; and

(C)(I) Includes a finding that the person represents a credible threat to the physical safety of the protected person or child or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the protected person or child that would reasonably be expected to cause bodily injury; or

(II) Includes an order under RCW 9.41.800 requiring the person to surrender all firearms and prohibiting the person from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, firearms;

(v) After having previously been involuntarily committed based on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(vi) After dismissal of criminal charges based on incompetency to stand trial under RCW 10.77.088 when the court has made a finding indicating that the defendant has a history of one or more violent acts, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(vii) If the person is under 18 years of age, except as provided in RCW 9.41.042; and/or

(viii) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted," whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including, but not limited to, sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension, or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the

rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4)(a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least 20 years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii)(A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides.

(5) In addition to any other penalty provided for by law, if a person under the age of 18 years is found by a court to have possessed a firearm in a vehicle in

violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within 24 hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7)(a) A person, whether an adult or a juvenile, commits the civil infraction of unlawful possession of a firearm if the person has in the person's possession or has in the person's control a firearm after the person files a voluntary waiver of firearm rights under RCW 9.41.350 and the form has been accepted by the clerk of the court and the voluntary waiver has not been lawfully revoked.

(b) The civil infraction of unlawful possession of a firearm is a class 4 civil infraction punishable according to chapter 7.80 RCW.

(c) Each firearm unlawfully possessed under this subsection (7) shall be a separate infraction.

(d) The court may, in its discretion, order performance of up to two hours of community restitution in lieu of a monetary penalty prescribed for a civil infraction under this subsection (7).

(8) Each firearm unlawfully possessed under this section shall be a separate offense.

**Sec. 3.** RCW 9.41.350 and 2018 c 145 s 1 are each amended to read as follows:

(1) A person may file a voluntary waiver of firearm rights, either in writing or electronically, with the clerk of the court in any county in Washington state. The clerk of the court must request a physical or scanned copy of photo identification to verify the person's identity prior to accepting the form. The person filing the form may provide ((an alternate person to be contacted if a voluntary waiver of firearm rights is)) the name of a family member, mental health professional, substance use disorder professional, or alternate person to be contacted if the filer attempts to purchase a firearm while the voluntary

waiver of firearm rights is in effect or if the filer applies to have the voluntary waiver revoked. The clerk of the court must immediately give notice to the person filing the form and any listed family member, mental health professional, substance use disorder professional, or alternate person if the filer's voluntary waiver of firearm rights has been accepted. The notice must state that the filer's possession or control of a firearm is unlawful under RCW 9.41.040(7) and that any firearm in the filer's possession or control should be surrendered immediately. By the end of the business day, the clerk of the court must transmit the accepted form to the Washington state patrol. The Washington state patrol must enter the voluntary waiver of firearm rights into the national instant criminal background check system and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms within twenty-four hours of receipt of the form. Copies and records of the voluntary waiver of firearm rights shall not be disclosed except to law enforcement agencies.

(2) A filer of a voluntary waiver of firearm rights may update the contact information for any family member, mental health professional, substance use disorder professional, or alternate person provided under subsection (1) of this section by making an electronic or written request to the clerk of the court in the same county where the voluntary waiver of firearm rights was filed. The clerk of the court must request a physical or scanned copy of photo identification to verify the person's identity prior to updating the contact information on the form. By the end of the business day, the clerk of the court must transmit the updated contact information to the Washington state patrol.

(3) No sooner than seven calendar days after filing a voluntary waiver of firearm rights, the person may file a revocation of the voluntary waiver of firearm rights, either in writing or electronically, in the same county where the voluntary waiver of firearm rights was filed. The clerk of the court must request a physical or scanned copy of photo identification to verify the person's identity prior to accepting the form. By the end of the business day, the clerk of the court must transmit the form to the Washington state patrol and to any ((contact)) family member, mental health professional, substance use disorder professional, or alternate person listed on the voluntary waiver of firearm rights ((and destroy all records of the voluntary waiver)). Within seven days of receiving a revocation of a voluntary waiver of firearm rights, the Washington state patrol must remove the person from the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms in which the person was entered, unless the person is otherwise ineligible to possess a firearm under RCW 9.41.040, and destroy all records of the voluntary waiver.

~~((3))~~ (4) A person who knowingly makes a false statement regarding their identity on the voluntary waiver of firearm rights form or revocation of waiver of firearm rights form is guilty of false swearing under RCW 9A.72.040.

~~((4))~~ (5) Neither a voluntary waiver of firearm rights nor a revocation of a voluntary waiver of firearm rights shall be considered by a court in any legal proceeding.

~~((5))~~ (6) A voluntary waiver of firearm rights may not be required of an individual as a condition for receiving employment, benefits, or services.

~~((6))~~ (7) All records obtained and all reports produced, as required by this section, are not subject to disclosure through the public records act under chapter 42.56 RCW.

**Sec. 4.** RCW 9.41.352 and 2018 c 145 s 2 are each amended to read as follows:

(1) The administrator for the courts, under the direction of the chief justice, shall develop a voluntary waiver of firearm rights form and a revocation of voluntary waiver of firearm rights form by January 1, 2019.

(2) The forms must include all of the information necessary for identification and entry of the person into the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms. The voluntary waiver of firearm rights form must include the following language:

Because you have filed this voluntary waiver of firearm rights, effective immediately you may not purchase ~~((#))~~, receive, control, or possess any firearm. You may revoke this voluntary waiver of firearm rights any time after at least seven calendar days have elapsed since the time of filing.

(3) The forms must be made available on the administrator for the courts website, at all county clerk offices, and must also be made widely available at firearm and ammunition dealers and health care provider locations.

**NEW SECTION. Sec. 5.** A new section is added to chapter 9.41 RCW to read as follows:

Mental health professionals and substance use disorder professionals are encouraged to discuss the voluntary waiver of firearm rights with their patients if the mental health professional or substance use disorder professional reasonably believes that a discussion will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation to do so."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

March 16, 2023

SB 5023

Prime Sponsor, Senator Wilson, J.: Concerning roadside safety measures. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

March 17, 2023

SSB 5028

Prime Sponsor, Law & Justice: Revising the process for individuals to request name changes. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representative Graham, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Ranking Minority Member.

Referred to Committee on Rules for second reading

March 16, 2023

SB 5041

Prime Sponsor, Senator Lovick: Concerning compliance with federal motor carrier safety administration requirements for the drug and alcohol clearinghouse. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

March 17, 2023

2SSB 5046

Prime Sponsor, Ways & Means: Concerning postconviction access to counsel. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; and Rude.

MINORITY recommendation: Without recommendation. Signed by Representative Cheney.

Referred to Committee on Appropriations

March 17, 2023

SSB 5087 Prime Sponsor, Law & Justice: Removing language from the Revised Code of Washington that has been identified by the justices of the supreme court or judges of the superior courts as defects and omissions in the laws pursuant to Article IV, section 25 of the Washington state Constitution. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; and Rude.

Referred to Committee on Rules for second reading

March 17, 2023

SB 5089 Prime Sponsor, Senator King: Making changes to factory assembled structures, manufactured or mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and park trailers requirements, including adding board members to the factory assembled structures advisory committee. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

March 17, 2023

SSB 5096 Prime Sponsor, Business, Financial Services, Gaming & Trade: Concerning employee ownership. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

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

Employee ownership in companies provides numerous benefits to both businesses and workers across all industries. Research from the national center for employee ownership found that one such structure, employee stock ownership plans, had better workforce

retention, benefits and retirement security, and firm performance than nonemployee stock ownership plans companies in the same industry. In addition, the Rutgers school of management and labor relations found that employee-owned companies outperformed nonemployee-owned companies in job retention, pay, and workplace health safety throughout the COVID-19 pandemic. At their core, employee ownership structures allow employees to gain ownership stake in a business, increasing their personal wealth without the risks related to starting or purchasing their own company.

States throughout the nation have moved to provide support for employee ownership structures. The Colorado employee ownership office has operated since 2019 to create a network of technical support and service providers considering employee ownership structures. Recently, both California and Massachusetts passed legislation to establish their own dedicated employee ownership support programs. Other states, such as Iowa, provide tax benefits and upfront costs to businesses interested in employee ownership.

Further, the federal government has recognized the benefit broad-based employee ownership structures provide to communities. The American rescue plan act included \$10,000,000,000 for the state small business credit initiative. Through that act congress also directed the treasury department to allow state small business credit initiative funding to be used for transitions to employee ownership, when state small business credit initiative funding has not been historically available for business transactions.

The legislature desires to provide a dedicated program to educate businesses on employee ownership, assist both owners and workers in navigating available resources, reduce barriers to transitioning to employee-owned structures, and provide tax support for businesses that transition to an employee ownership structure.

Therefore, it is the intent of the legislature to encourage the growth of employee ownership structures through this expanding employee ownership act.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington employee ownership program is created to support the efforts of businesses considering a sale to an employee ownership structure. The Washington employee ownership program must be administered by the department and overseen by the Washington employee ownership commission established in section 3 of this act.

(2)(a) In implementing the Washington employee ownership program, the director must:

(i) Create a network of technical support and service providers for businesses considering employee ownership structures;

(ii) Work with state agencies whose regulations and programs affect employee-owned businesses, and businesses with the potential to become employee owned, to enhance opportunities and reduce barriers;

(iii) Partner with relevant private, nonprofit, and public organizations including, but not limited to, professional and trade associations, financial institutions, unions, small business development centers, economic and workforce development organizations, and nonprofit entities to promote employee ownership benefits and succession models;

(iv) Develop and make available materials regarding employee ownership benefits and succession models;

(v) Provide a referral service to help qualified business owners find appropriate legal, financial, and technical employee ownership resources and services;

(vi) Work with the department of financial institutions and appropriate state, private, and nonprofit entities to shape and implement guidance on lending to broad-based employee ownership vehicles;

(vii) Create an inventory of employee-owned businesses in the state including employee stock ownership plans, worker cooperatives, and employee ownership trusts; and

(viii) Subject to the successful award of federal funding for this purpose, establish a revolving loan program to assist existing small businesses to finance a transition to employee ownership.

(b) Loans offered by the revolving loan program must be used to help facilitate the purchase of an interest in an employee stock ownership plan or worker-owned cooperative from the owner or owners of a qualified business, provided that:

(i) The transaction results in the employee stock ownership plan or worker cooperative holding a majority interest in the business, on a fully diluted basis; and

(ii) If used to assist in the purchase of an interest in an employee stock ownership plan, the employee stock ownership plan: (A) Has appointed an independent trustee; or (B) has, as a trustee, person, or entity, completed education on best practices for employee stock ownership plans.

(c) Loans financing the sale of an interest to a worker cooperative shall be extended based on repayment ability and shall not require a personal or entity guarantee. In meeting the requirement in (b) of this subsection, lending guidelines must be established for worker cooperatives not based on any personal or entity guarantees provided by the member owners or the selling business owner. These guidelines may include but are not limited to cash flow-based underwriting, character-based lending, and reliance on business assets.

(d) In order to support the revolving loan program, the director or the director's designee must apply for federal funding opportunities that:

(i) Support capitalization of state revolving loan programs; and

(ii) Support businesses that seek to transition to employee ownership.

(e) Amounts from the repayment of loans offered by the revolving loan program must be deposited in the employee ownership revolving loan program account established in section 6 of this act.

(3) The director or the director's designee may contract with consultants,

agents, or advisors necessary to further the purposes of this section.

(4) By December 1st each year, the department must submit a report to the appropriate committees of the legislature on program activities and the number of employee-owned businesses and employee-owned trusts in the state, including recommendations for improvement and barriers for businesses considering employee ownership structures in Washington state. The first report must include rules and guidelines for the administration of the program, as established by the Washington employee ownership commission.

(5) For the purposes of this section:

(a) "Employee-owned business" means:

(i) An employee cooperative established under chapter 23.78, 23.86, 23.100, or 24.06 RCW that has at least 50 percent of its board of directors consisting of, and elected by, its employees; or

(ii) An entity owned in whole or in part by employee stock ownership plans as defined in 26 U.S.C. Sec. 4975(e)(7).

(b) "Qualified business" means a person subject to tax under Title 82 RCW, including but not limited to a C corporation, S corporation, limited liability company, partnership, limited liability partnership, sole proprietorship, or other similar pass-through entity, that is not owned in whole or in part by an employee ownership trust, that does not have an employee stock ownership plan, or that is not, in whole or in part, a worker-owned cooperative.

(6) Program support shall only be made available to businesses headquartered in Washington state. For the purposes of this section, "headquartered in Washington state" means that Washington state is its principal place of business or the state where it is incorporated.

(7) The director shall adopt rules as necessary to implement this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington employee ownership commission is hereby created to exercise the powers in developing and supervising the program created in section 2 of this act.

(2) The commission shall consist of:

(a) One member from each of the two major caucuses of the house of representatives to be appointed by the speaker of the house and one member from each of the two major caucuses of the senate to be appointed by the president of the senate. The initial term shall be two years; and

(b) The following members appointed by the governor:

(i) Five members who represent the private sector or professional organizations as follows:

(A) One representative of a worker cooperative business. The initial term shall be four years;

(B) One representative of an employee stock ownership plan business. The initial term shall be four years;

(C) One representative from a statewide business association. The initial term shall be two years;

(D) One economic development expert, from the private sector, with employee ownership knowledge and experience. The initial term shall be four years; and

(E) One representative from a financial institution with expertise in assisting businesses transitioning into an employee ownership structure. The initial term shall be two years; and

(ii) Two members who represent the public sector as follows:

(A) One economic development expert, from the public sector. The initial term shall be four years; and

(B) One representative from the department of commerce, who will chair the first meeting prior to the election of the chair. The initial term shall be four years.

(3) After the initial term of appointment, all members shall serve terms of four years and shall hold office until successors are appointed.

(4) The commission shall be led by a chair selected and voted on by members of the commission. The chair shall serve a one-year term but may serve more than one term if selected to do so by members of the commission.

(5) The commission shall develop, in consultation with the director, rules and guidelines to administer the program. Rules and guidelines for the administration of the program must be included in the first report to the legislature required in section 2 of this act.

(6) Before making any appointments to the commission, the governor must seek nominations from recognized organizations that represent the entities or interests identified in this section. The governor must select appointees to represent private sector industries from a list of three nominations provided by the trade associations representing the industry, unless no names are put forth by the trade associations.

(7) The commission shall conduct market research for the purposes of, or to support, a future application to the federal government for a program to assist in the purchase of an interest in an employee stock ownership plan qualifying under section 401 of the internal revenue code, worker cooperative, or related broad-based employee ownership vehicle.

(8) For purposes of this section, a "professional organization" includes an entity whose members are engaged in a particular lawful vocation, occupation, or field of activity of a specialized nature including, but not limited to, associations, boards, educational institutions, and nonprofit organizations.

**NEW SECTION. Sec. 4.** (1) This section is the tax preference performance statement for the tax preference contained in section 5, chapter . . . , Laws of 2023 (section 5 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to encourage business owners to create an employee stock ownership plan or employee ownership trust, or to convert to a worker-owned cooperative, that allows the company to share ownership with their employees without requiring employees to invest their own money.

(4) If a review finds that the number of businesses in this state offering employee stock ownership plans, employee ownership trusts, or ones that have converted to a worker-owned cooperative, has increased because of the tax credit under this act, then the legislature intends for the legislative auditor to recommend extending the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may access and use any relevant data collected by the state.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Beginning July 1, 2024, in computing the tax imposed under this chapter, a credit is allowed for costs related to converting a qualifying business to a worker-owned cooperative, employee ownership trust, or an employee stock ownership plan, as provided in this section.

(2) The credit is equal to:

(a) Up to 50 percent of the conversion costs, not to exceed \$25,000, incurred by a qualified business for converting the qualified business to a worker-owned cooperative or an employee ownership trust; or

(b) Up to 50 percent of the conversion costs, not to exceed \$100,000, incurred by a qualified business for converting the qualified business to an employee stock ownership plan.

(3)(a) Credit under this section is earned, and claimed against taxes due under this chapter, for the tax reporting period in which the conversion to a worker-owned cooperative, employee ownership trust, or an employee stock ownership plan is complete, or subsequent tax reporting periods as provided in (c) of this subsection.

(b) The credit must not exceed the tax otherwise due under this chapter for the tax reporting period.

(c) Unused credit may be carried over and used in subsequent tax reporting periods, except that no credit may be claimed more than 12 months from the end of the tax reporting period in which the credit was earned.

(d) No refunds may be granted for credits under this section.

(4)(a) The total amount of credits authorized under this section may not exceed an annual statewide limit of \$2,000,000.

(b) Credits must be authorized on a first-in-time basis.

(c) No credit may be earned, during any calendar year, on or after the last day of

the calendar month immediately following the month the department has determined that \$2,000,000 in credit has been earned.

(5) (a) The department may require persons claiming a credit under this section to provide appropriate documentation, in a manner as determined by the department, for the purposes of determining eligibility under this section.

(b) Every person claiming a credit under this section must preserve, for a period of five years, any documentation to substantiate the amount of credit claimed.

(6) For the purposes of this section:

(a) "Conversion costs" means professional services, including accounting, legal, and business advisory services, as detailed in the guidelines issued by the department, for: (i) A feasibility study or other preliminary assessments regarding a transition of a business to an employee stock ownership plan, a worker-owned cooperative, or an employee ownership trust; or (ii) the transition of a business to an employee stock ownership plan, a worker-owned cooperative, or an employee ownership trust.

(b) "Employee ownership trust" means an indirect form of employee ownership in which a trust holds a controlling stake in a qualified business and benefits all employees on an equal basis.

(c) "Employee stock ownership plan" has the same meaning as set forth in 26 U.S.C. Sec. 4975(e)(7), as of the effective date of this section.

(d) "Qualified business" means a person subject to tax under this chapter, including but not limited to a C corporation, S corporation, limited liability company, partnership, limited liability partnership, sole proprietorship, or other similar pass-through entity, that is not owned in whole or in part by an employee ownership trust, that does not have an employee stock ownership plan, or that is not, in whole or in part, a worker-owned cooperative, and that is approved by the department for the tax credit in this section.

(e) "Worker-owned cooperative" has the same meaning as set forth in 26 U.S.C. Sec. 1042(c)(2), as of the effective date of this section, or such subsequent dates as may be provided by rule by the department, consistent with the purposes of this section.

(7) Credits allowed under this section can be earned for tax reporting periods starting on or before June 30, 2029. No credits can be claimed on returns filed for tax periods starting on or after July 1, 2030.

(8) This section expires July 1, 2030.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.330 RCW to read as follows:

The employee ownership revolving loan program account is created in the custody of the state treasury. All transfers and appropriations by the legislature, repayments of loans, private contributions, and all other sources must be deposited into the account. Expenditures from the account may be used only for the purposes of the

Washington employee ownership program created in section 2 of this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 7.** Sections 4 and 5 of this act take effect July 1, 2024.

**NEW SECTION. Sec. 8.** This act may be known and cited as the expanding employee ownership act."

Correct the title.

Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

March 17, 2023

SSB 5114

Prime Sponsor, Human Services: Supporting adults with lived experience of sex trafficking. Reported by Committee on Human Services, Youth, & Early Learning

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

Referred to Committee on Appropriations

March 17, 2023

ESSB 5124

Prime Sponsor, Human Services: Supporting guardianships and voluntary placement with nonrelative kin. Reported by Committee on Human Services, Youth, & Early Learning

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

Referred to Committee on Appropriations

March 17, 2023

ESSB 5143

Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Changing the name of and adding a member to the commission on pesticide registration. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

March 17, 2023

SB 5192 Prime Sponsor, Senator Shewmake: Authorizing administrative law judges to substitute for pollution control hearings board members in deciding derelict vessel appeals. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

March 17, 2023

ESSB 5217 Prime Sponsor, Labor & Commerce: Concerning the state's ability to regulate certain industries and risk classifications to prevent musculoskeletal injuries and disorders. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Appropriations

March 17, 2023

2SSB 5225 Prime Sponsor, Ways & Means: Increasing access to the working connections child care program. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass. Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Ranking Minority Member; Dent; and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representative Couture, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

March 17, 2023

SSB 5256 Prime Sponsor, Human Services: Making permanent and expanding the child welfare housing assistance program. Reported by Committee on Human Services, Youth, & Early Learning

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

MINORITY recommendation: Do not pass. Signed by Representative Walsh.

Referred to Committee on Appropriations

March 17, 2023

2SSB 5268 Prime Sponsor, Ways & Means: Addressing equity and efficiencies in public works procurement including modifying small works roster requirements. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

March 17, 2023

SSB 5286 Prime Sponsor, Labor & Commerce: Modifying the premium provisions of the paid family and medical leave program. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

March 15, 2023

SB 5295 Prime Sponsor, Senator Wilson, L.: Eliminating accounts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 16, 2023

SSB 5317 Prime Sponsor, Transportation: Concerning the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.55.010 and 2022 c 186 s 708 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) "Abandoned vehicle" means a vehicle that a registered tow truck operator has impounded and held in the operator's possession for 120 consecutive hours.

(2) "Immobilize" means the use of a locking wheel boot that, when attached to the wheel of a vehicle, prevents the vehicle



from moving without damage to the tire to which the locking wheel boot is attached.

(3) "Abandoned vehicle report" means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(4) "Impound" means to take and hold a vehicle in legal custody. There are two types of impounds—public and private.

(a) "Public impound" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) "Private impound" means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(5) "Junk vehicle" means a vehicle certified under RCW 46.55.230 as meeting at least three of the following requirements:

- (a) Is three years old or older;
- (b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, or missing wheels, tires, motor, or transmission;
- (c) Is apparently inoperable;
- (d) Has an approximate fair market value equal only to the approximate value of the scrap in it.

(6) "Master log" means the document or an electronic facsimile prescribed by the department and the Washington state patrol in which an operator records transactions involving impounded vehicles.

(7) "Registered tow truck operator" or "operator" means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(8) "Residential property" means property that has no more than four living units located on it.

(9) "Suspended license impound" means an impound ordered under RCW 46.55.113 because the operator was arrested for a violation of RCW 46.20.342 or 46.20.345.

(10) "Tow truck" means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the state patrol.

(11) "Tow truck number" means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(12) "Tow truck permit" means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(13) "Tow truck service" means the transporting upon the public streets and highways of this state of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(14) "Unauthorized vehicle" means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

- Subject to removal after:
  - (a Public locations:
    - )

- (i Constituting an accident or a traffic hazard as defined in RCW 46.55.113 . . . . Immediately
- (i On a highway and tagged as described in RCW 46.55.085 . . . . . 24 hours
- (i In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 . . . . . Immediately
- (i ((~~During the 2021-2023 fiscal biennium, within the~~)Within the right-of-way used by a regional transit authority for high capacity transportation where the vehicle constitutes an obstruction to the operation of high capacity transportation vehicles or jeopardizes public safety. . . . Immediately
- (v Private locations:
  - )
  - (i On residential property . . . . . Immediately
  - (i On private, nonresidential property, properly posted under RCW 46.55.070 . . . . . Immediately
  - (i On private, nonresidential property, not posted . . . . . 24 hours

**Sec. 2.** RCW 46.55.080 and 2022 c 186 s 709 are each reenacted to read as follows:

(1) If a vehicle is in violation of the time restrictions of RCW 46.55.010(14), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer, authorized regional transit authority representative under the conditions described in RCW 46.55.010(14)(a)(iv), or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or an agent if it is on private property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

(2) The person requesting a private impound or a law enforcement officer, authorized regional transit authority representative, or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound. A registered tow truck operator, employee, or his or her agent may not serve as an agent of a property owner for the purposes of signing an impound authorization or, independent of the property owner, identify a vehicle for impound.

(3) In the case of a private impound, the impound authorization shall include the following statement: "A person authorizing this impound, if the impound is found in violation of chapter 46.55 RCW, may be held

liable for the costs incurred by the vehicle owner."

(4) A registered tow truck operator shall record and keep in the operator's files the date and time that a vehicle is put in the operator's custody and released. The operator shall make an entry into a master log regarding transactions relating to impounded vehicles. The operator shall make this master log available, upon request, to representatives of the department or the state patrol.

(5) A person who engages in or offers to engage in the activities of a registered tow truck operator may not be associated in any way with a person or business whose main activity is authorizing the impounding of vehicles."

Correct the title.

Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

March 17, 2023

ESB 5341 Prime Sponsor, Senator Muzzall: Creating a location-based branding and promotion program for Washington food and agricultural products. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

March 16, 2023

SB 5342 Prime Sponsor, Senator Kauffman: Concerning transit agencies' ability to enter into interlocal agreements for procurement. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Orcutt.

Referred to Committee on Rules for second reading

March 16, 2023

SB 5347 Prime Sponsor, Senator Wagoner: Concerning access to abstract driving records. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

Referred to Committee on Rules for second reading

March 17, 2023

SSB 5358 Prime Sponsor, State Government & Elections: Expanding veterans' services and programs. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

March 17, 2023

SB 5370 Prime Sponsor, Senator Wagoner: Concerning adult protective services. Reported by Committee on Human Services, Youth, & Early Learning

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

Referred to Committee on Rules for second reading

March 17, 2023

SB 5385 Prime Sponsor, Senator Liias: Concerning work performed by institutions of higher education. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Schmidt and Timmons.

Referred to Committee on Capital Budget

March 17, 2023

SSB 5415 Prime Sponsor, Law & Justice: Concerning public defense services for persons committed as not guilty by reason of insanity. Reported by Committee on Civil Rights & Judiciary

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

Referred to Committee on Appropriations

March 17, 2023

SB 5419 Prime Sponsor, Senator Gildon: Removing a Washington state institute of public policy outcome evaluation requirement. Reported by Committee on Human Services, Youth, & Early Learning

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

Referred to Committee on Rules for second reading

March 17, 2023

SSB 5439 Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Concerning livestock identification. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

March 17, 2023

ESB 5592 Prime Sponsor, Senator Hunt: Requiring semiautomatic external defibrillator at fitness centers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 70.54 RCW to read as follows:

(1) The owner of a fitness center shall acquire and maintain at least one semiautomatic external defibrillator on premises.

(2) The fitness center must comply with the requirements of RCW 70.54.310, including instruction of personnel on the use of the defibrillator, maintenance of the defibrillator, and notification of the local emergency medical services organization about the location of the defibrillator.

(3) An employee of a fitness center who has completed the instruction required under RCW 70.54.310 may render emergency care or treatment using a semiautomatic external defibrillator on the fitness center premises.

(4) A person who uses a semiautomatic external defibrillator at the scene of an emergency is immune from civil liability pursuant to RCW 70.54.310.

(5) Facilities operated by bona fide nonprofit organizations which have been granted tax-exempt status by the internal revenue service, the functions of which as fitness centers are only incidental to their overall functions, are exempt from the requirements of this section until January 1, 2025.

(6) (a) "Fitness center" means any premises used for recreation, instruction,

training, physical exercise, body building, weight loss, figure development, martial arts, or other similar activity, that offers access on a membership basis.

(b) "Fitness center" does not include: (i) Public common schools, private schools approved under RCW 28A.195.010, and public or private institutions of higher education; and (ii) private facilities operated out of a home that do not offer memberships.

**NEW SECTION. Sec. 2.** (1) Subject to the availability of amounts appropriated for this specific purpose, by July 1, 2024, the department of commerce shall establish a four-year grant program for the purpose of assisting fitness centers with complying with the requirements of acquiring and maintaining at least one semiautomatic external defibrillator, including applicable training requirements, as referenced in section 1 of this act.

(2) The department of commerce may adopt rules to implement the grant program referenced in this section."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Orwall; Stonier; Thai and Tharinger.

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

MINORITY recommendation: Without recommendation. Signed by Representatives Hutchins, Assistant Ranking Minority Member; Barnard; Graham; and Mosbrucker.

Referred to Committee on Appropriations

March 17, 2023

ESSB 5614 Prime Sponsor, Labor & Commerce: Concerning adult entertainment establishments. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9A.88.010 and 2003 c 53 s 92 are each amended to read as follows:

(1) A person is guilty of indecent exposure if he or she intentionally makes any open and obscene exposure of his or her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm. The act of breastfeeding or expressing breast milk is not indecent exposure.

(2) (a) Except as provided in (b) and (c) of this subsection, indecent exposure is a misdemeanor.

(b) Indecent exposure is a gross misdemeanor on the first offense if the person exposes himself or herself to a person under the age of fourteen years.

(c) Indecent exposure is a class C felony if the person has previously been convicted under this section or of a sex offense as defined in RCW 9.94A.030.

(3) Adult entertainment as defined in RCW 49.17.470 is not indecent exposure.

**Sec. 2.** RCW 49.17.470 and 2019 c 304 s 1 are each amended to read as follows:

(1)(a) The department shall develop or contract for the development of training for entertainers. The training must include, but not be limited to:

(i) Education about the rights and responsibilities of entertainers, including with respect to working as an employee or independent contractor;

(ii) Reporting of workplace injuries, including sexual and physical abuse and sexual harassment;

(iii) The risk of human trafficking;

(iv) Financial aspects of the entertainer profession; and

(v) Resources for assistance.

(b) As a condition of receiving or renewing an adult entertainer license issued by a local government on or after July 1, 2020, an entertainer must provide proof that the entertainer took the training described in (a) of this subsection. The department must make the training reasonably available to allow entertainers sufficient time to take the training in order to receive or renew their licenses on or after July 1, 2020.

(2) An adult entertainment establishment must provide a panic button in each room in the establishment in which an entertainer may be alone with a customer, and in bathrooms and dressing rooms. An entertainer may use the panic button if the entertainer has been harmed, reasonably believes there is a risk of harm, or there is an other emergency in the entertainer's presence. The entertainer may cease work and leave the immediate area to await the arrival of assistance.

(3)(a) An adult entertainment establishment must record the accusations it receives that a customer has committed an act of violence, including assault, sexual assault, or sexual harassment, towards an entertainer. The establishment must make every effort to obtain the customer's name and if the establishment cannot determine the name, it must record as much identifying information about the customer as is reasonably possible. The establishment must retain a record of the customer's identifying information for at least five years after the most recent accusation.

(b) If an accusation is supported by a statement made under penalty of perjury or other evidence, the adult entertainment establishment must decline to allow the customer to return to the establishment for at least three years after the date of the incident. The establishment must share the information about the customer with other establishments with common ownership and those establishments with common ownership must also decline to allow the customer to enter those establishments for at least three years after the date of the incident. No entertainer may be required to provide such a statement.

(4)(a) An establishment must develop training for its employees to minimize occurrences of unprofessional behavior by

the employees and enable the employees to support entertainers in times of conflict. Training topics must include, but are not limited to, conflict de-escalation and first aid.

(b) An establishment must require all establishment employees to take the training within 30 days of hiring and at least every two years.

(5) An establishment must provide at least one dedicated security person during business hours. Between the hours of 9:00 a.m. and 9:00 p.m., the dedicated security person's primary duty is security, between the hours of 9:00 p.m. and 9:00 a.m. the dedicated security person must have no other duties. The department may adopt rules that require additional security persons based on additional factors, including but not limited to:

(a) The size of the establishment;

(b) The layout and floor plan of the establishment;

(c) The patron volume;

(d) Security cameras and panic buttons; and

(e) The history of security events at the establishment.

(6) For the purposes of enforcement, except for subsection (1) of this section, this section shall be considered a safety or health standard under this chapter.

~~((45))~~(7) This section does not affect an employer's responsibility to provide a place of employment free from recognized hazards or to otherwise comply with this chapter and other employment laws.

~~((46) The department shall convene an entertainer advisory committee to assist with the implementation of this section, including the elements of the training under subsection (1) of this section. At least half of the advisory committee members must be former entertainers who held or current entertainers who have held an adult entertainer license issued by a local government for at least five years. At least one member of the advisory committee must be an adult entertainment establishment which is licensed by a local government and operating in the state of Washington. The advisory committee shall also consider whether additional measures would increase the safety and security of entertainers, such as by examining ways to make the procedures described in subsection (3) of this section more effective and reviewing the fee structure for entertainers. If the advisory committee finds and recommends additional measures that would increase the safety and security of entertainers and that those additional measures would require legislative action, the department must report those recommendations to the appropriate committees of the legislature.~~

~~(7))~~(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Adult entertainment" means any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance involves an entertainer who:

(i) Is unclothed or in such attire, costume, or clothing as to expose to view

any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals; or

(ii) Touches, caresses, or fondles the breasts, buttocks, anus, genitals, or pubic region of another person, or permits the touching, caressing, or fondling of the entertainer's own breasts, buttocks, anus, genitals, or pubic region by another person, with the intent to sexually arouse or excite another person.

(b) "Adult entertainment establishment" or "establishment" means any business to which the public, patrons, or members are invited or admitted where an entertainer provides adult entertainment to a member of the public, a patron, or a member.

(c) "Entertainer" means any person who provides adult entertainment within an adult entertainment establishment, whether or not a fee is charged or accepted for entertainment and whether or not the person is an employee under RCW 49.17.020.

(d) "Panic button" means an emergency contact device by which the entertainer may summon immediate on-scene assistance from another entertainer, a security guard, or a representative of the ~~((adult))~~ adult entertainment establishment.

NEW SECTION. **Sec. 3.** A new section is added to chapter 49.17 RCW to read as follows:

(1) An adult entertainment establishment qualifies as an adult entertainment nightclub if the establishment demonstrates to the department that the establishment:

(a) Has written processes and procedures accessible to all its employees and entertainers who are not employees for:

(i) Responding to customer violence or criminal activity, including when police are called;

(ii) Ejecting customers who violate club policies, including intoxication or other inappropriate or illegal behavior; and

(iii) Processing requests from entertainers to place a patron on the list under RCW 49.17.470(3);

(b) Provides to the department at least annually a customer complaint log including, but not limited to, the number of entertainer complaints and the number of customers related to customer actions described in RCW 49.17.470(3);

(c) Provides to the department at least annually proof of compliance with RCW 49.17.470(2) and maintenance records showing that the panic buttons are maintained and checked to ensure they are in working condition;

(d) Has entertainers' dressing or locker rooms equipped with a keypad requiring a code to enter;

(e) Provides appropriate cleaning supplies and a waste receptacle accessible from private performance areas;

(f) Displays signage in an employee common area indicating that entertainers are not required to surrender any tips or gratuities and may not be denied services and amenities in consideration of tips or gratuities; and

(g) Displays signage at the entrance directing customers to resources on appropriate etiquette.

(2) For any establishment seeking or holding a license under section 5 of this act, the department shall inspect the establishment and verify whether it demonstrates compliance with the requirements in this section. Inspections must be conducted at least once every calendar year. Following an inspection, the department shall notify the liquor and cannabis board whether the establishment is in compliance with the requirements of this section and qualifies as an adult entertainment nightclub under this section.

(3) The department may share information with the liquor and cannabis board for purposes of enforcing this section and section 5 of this act.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Adult entertainment," "adult entertainment establishment," "establishment," and "entertainer" have the same meaning as provided in RCW 49.17.470.

(b) "Adult entertainment nightclub" means an adult entertainment establishment in compliance with the requirements of this section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 49.44 RCW to read as follows:

(1) For any entertainer who is an employee under chapter 49.46 RCW, an adult entertainment establishment may not charge any fee.

(2)(a) For any entertainer who is found to not be an employee under chapter 49.46 RCW, an adult entertainment establishment may not:

(i) Charge any fees or other charges that, separately or when combined, are greater than 30 percent of the entertainment fees collected by the entertainer during the leased date and time, excluding tips paid to the entertainer;

(ii) Carry forward an unpaid balance from any fee incurred previously by the entertainer for access to or usage of the establishment premises;

(iii) Charge fees or interest to an entertainer for late payment or nonpayment of any fee;

(iv) Charge an entertainer a fee for failure to appear at a scheduled time;

(v) Control:

(A) How much the entertainer charges customers for adult entertainment;

(B) When and how the entertainer works; or

(C) What type of clothing or costumes to wear during the adult entertainment;

(vi) Take adverse action against an entertainer based on scheduling;

(vii) Obligate an entertainer to appear for any length of time, provided the entertainer satisfies a leasing fee or otherwise agrees to an alternative charge, subject to the limitations of (a)(i) of this subsection; and

(viii) Refuse to provide an entertainer with written notice of the reason or reasons

for any termination or refusal to rehire the entertainer. Such notice must be provided within 10 business days of the termination or refusal to rehire the entertainer.

(b) Any fees not prohibited under this subsection (2) must be stated in a written contract and continue to apply for a period of not less than three months with effective dates.

(c) This subsection (2) does not prevent an establishment from providing leasing discounts or credits to encourage scheduling or charge lease amounts that vary based on the time of day.

(3)(a) No state agency or local government may adopt laws, rules, ordinances, or regulations that limit or prohibit an entertainer from:

(i) Collecting any form of payment from customers;

(ii) Touching their own body or exposing themselves while performing within an adult entertainment establishment; and

(iii) Engaging in physical contact with another person that is otherwise lawful outside of an adult entertainment establishment, such as restrictions on proximity or distance, before or during any exhibition, performance, or dance of any type.

(b) This subsection may not be construed to prohibit a local government from adopting ordinances or regulations that are more protective of entertainers than the requirements of this section.

(4) No adult entertainment establishment may allow any person under the age of 18 on the premises of the establishment.

(5) For purposes of this section:

(a) "Adult entertainment" has the same meaning as in RCW 49.17.470.

(b) "Adult entertainment establishment" or "establishment" have the same meaning as in RCW 49.17.470.

(c) "Entertainer" has the same meaning as in RCW 49.17.470.

**NEW SECTION. Sec. 5.** A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a spirits, beer, and wine adult entertainment nightclub license to sell spirituous liquor by the drink, beer, and wine at retail, for consumption on the licensed premises.

(2) The license may be issued only to an adult entertainment nightclub whose business includes the sale and service of alcohol to the adult entertainment nightclub's customers and has food sales and service incidental to the sale and service of alcohol.

(3) The board may adopt rules to allow entertainers who are over 18 years of age but under 21 years of age to perform in an adult entertainment nightclub.

(4) The annual fee for this license is \$2,000. The fee for the license shall be reviewed from time to time and set at such a level sufficient to defray the cost of licensing and enforcing this licensing program. The fee shall be fixed by rule adopted by the board in accordance with the provisions of chapter 34.05 RCW.

(5) Local governments may petition the board to request that further restrictions be imposed on a spirits, beer, and wine adult entertainment nightclub license in the interest of public safety. Examples of further restrictions a local government may request are: Not allowing minors on the entire premises, submitting a security plan, or signing a good neighbor agreement with the local government.

(6) The total number of spirits, beer, and wine adult entertainment nightclub licenses are not subject to the requirements of RCW 66.24.420(4). However, the board may not refuse a spirits, beer, and wine adult entertainment nightclub license to any applicant even if the board determines that the spirits, beer, and wine nightclub licenses already granted for the particular locality are adequate for the reasonable needs of the community.

(7) The board may adopt rules to implement this section.

(8) The board may share information with the department of labor and industries for purposes of this section.

(9) The board may not issue any liquor license to any adult entertainment establishment which is not an adult entertainment nightclub.

(10) WAC 314-11-050 does not apply to an adult entertainment nightclub licensed under this section.

(11) For purposes of this section:

(a) "Adult entertainment establishment" or "establishment" have the same meaning as in RCW 49.17.470.

(b) "Adult entertainment nightclub" has the same meaning as in section 3 of this act.

(c) "Entertainer" has the same meaning as in RCW 49.17.470.

**NEW SECTION. Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Regulated Substances & Gaming

March 17, 2023

**SB 5632**

Prime Sponsor, Senator Keiser: Protecting the health care of workers participating in a labor dispute. Reported by Committee on Health Care & Wellness

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

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member;

Hutchins, Assistant Ranking Minority Member; Barnard; Graham; and Harris.

MINORITY recommendation: Without recommendation.  
Signed by Representative Mosbrucker.

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 eighth order of business.

### **MOTION**

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

SENATE BILL NO. 5003  
SUBSTITUTE SENATE BILL NO. 5033  
SENATE BILL NO. 5079  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5142  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5198  
SUBSTITUTE SENATE BILL NO. 5275  
SENATE BILL NO. 5394  
SUBSTITUTE SENATE BILL NO. 5490  
SUBSTITUTE SENATE BILL NO. 5569  
SUBSTITUTE SENATE BILL NO. 5729

There being no objection, the House adjourned until 10:30 a.m., Wednesday, March 22, 2023, the 73rd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SEVENTY THIRD DAY

House Chamber, Olympia, Wednesday, March 22, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall 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, Apollo Decker and Maia Greiwe. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Jerry Kester, District Superintendent for the Church of the Nazarene in Western Washington.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4630**, by Representatives Goehner, Steele, and Robertson

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor excellence in all fields and endeavors; and

WHEREAS, The Apple Blossom Festival is the oldest major festival in Washington, started in 1920, and attracts over 100,000 people over 11 days to the Wenatchee area; and

WHEREAS, Their mission is to provide an annual family oriented event that celebrates and showcases the people, heritage, and fruit industry in their community; and

WHEREAS, Each year three young women are selected as a queen and two princesses to represent the Apple Blossom Festival in their royal court, this year, Scarlette Cron, Dylan Schmitten, and Natalie Pearson were selected to this court; and

WHEREAS, Scarlette Cron was selected as the queen. She goes to Wenatchee High School and is a member of ASB there. She is also the club coordinator and president of the art club; and

WHEREAS, Dylan Schmitten was selected as a princess. She goes to Eastmont High School and has been a chair at many of her school's Key Club events. She is also a captain on both the cross country and track/field teams; and

WHEREAS, Natalie Pearson was selected as a princess. She is a captain on the Wenatchee High School softball team and a captain on her travel team; and is enrolled in running start;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor the 2023 Apple Blossom Festival Royal Court and recognize the hard work it took to be selected; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Queen Scarlette Cron, Princess Dylan Schmitten, Princess Natalie Pearson, and to Apple Blossom Festival organizers.

HOUSE RESOLUTION NO. 4630 was adopted.

The Speaker assumed the chair.

## SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE SENATE BILL NO. 5005  
SENATE BILL NO. 5036  
SUBSTITUTE SENATE BILL NO. 5121  
SENATE BILL NO. 5122

The Speaker called upon Representative Orwall to preside.

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

## MESSAGE FROM THE SENATE

Tuesday, March 21, 2023

Mme. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5005  
SENATE BILL NO. 5036  
SUBSTITUTE SENATE BILL NO. 5121  
SENATE BILL NO. 5122

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

## REPORTS OF STANDING COMMITTEES

March 21, 2023

HB 1847 Prime Sponsor, Representative Santos: Establishing permanent funding for a community preservation and development authority approved through RCW 43.167.060. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

March 20, 2023

E2SSB 5045 Prime Sponsor, Ways & Means: Incentivizing rental of accessory dwelling units to low-income households. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Hutchins; Low; Reed and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Chopp; and Entenman.

Referred to Committee on Finance

March 20, 2023



ESSB 5197 Prime Sponsor, Housing: Addressing landlord-tenant relations by providing technical changes to eviction notice forms and modifying certain eviction processes. Reported by Committee on Housing

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 59.18 RCW to read as follows:

In any forcible or unlawful detainer proceeding before the court:

(1) Hearings may be conducted in person or remotely in order to enhance access for all parties. At the court's discretion, parties, witnesses, and others authorized by this chapter to participate in forcible or unlawful detainer proceedings may attend a hearing pursuant to this chapter, in person or remotely, including by telephone, video, or other electronic means where possible. The court shall grant any request for a remote appearance unless the court finds good cause to require in-person attendance or attendance through a specific means. Courts shall require assurances of the identity of persons who appear by telephone, video, or other electronic means. Courts may not charge fees for remote appearances. Courts shall provide instructions for remote access either on the official court website or in writing directly to the party requesting to appear remotely, or both.

(2) Any party must be permitted to make an emergency application by phone or video conference and file such documents by email, fax, or other means that can be performed remotely.

**Sec. 2.** RCW 59.18.410 and 2021 c 115 s 17 are each amended to read as follows:

(1) If at trial the verdict of the jury or, if the case is tried without a jury, the finding of the court is in favor of the landlord and against the tenant, judgment shall be entered for the restitution of the premises; and if the proceeding is for unlawful detainer after neglect or failure to perform any condition or covenant of a lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of the lease, agreement, or tenancy. The jury, or the court, if the proceedings are tried without a jury, shall also assess the damages arising out of the tenancy occasioned to the landlord by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved at trial, and, if the alleged unlawful detainer is based on default in the payment of rent, find the amount of any rent due, and the judgment shall be rendered against the tenant liable for the forcible entry, forcible detainer, or unlawful detainer for the amount of damages thus assessed, for the rent, if any, found due, and late fees if such fees are due under the lease and do not exceed (~~seventy-five dollars~~)\$75 in total. The court may award

statutory costs. The court may also award reasonable attorneys' fees as provided in RCW 59.18.290.

(2) When the tenant is liable for unlawful detainer after a default in the payment of rent, execution upon the judgment shall not occur until the expiration of five court days after the entry of the judgment. Before entry of a judgment or until five court days have expired after entry of the judgment, unless the tenant provides a pledge of financial assistance letter from a governmental or nonprofit entity, in which case the tenant has until the date of eviction, the tenant or any subtenant, or any mortgagee of the term, or other party interested in the continuance of the tenancy, may pay into court or to the landlord the amount of the rent due, any court costs incurred at the time of payment, late fees if such fees are due under the lease and do not exceed (~~seventy-five dollars~~)\$75 in total, and attorneys' fees if awarded, in which event any judgment entered shall be satisfied and the tenant restored to his or her tenancy. If the tenant seeks to restore his or her tenancy after entry of a judgment, the tenant may tender the amount stated within the judgment as long as that amount does not exceed the amount authorized under subsection (1) of this section. If a tenant seeks to restore his or her tenancy and pay the amount set forth in this subsection with funds acquired through an emergency rental assistance program provided by a governmental or nonprofit entity, the tenant shall provide a copy of the pledge of emergency rental assistance provided from the appropriate governmental or nonprofit entity and have an opportunity to exercise such rights under this subsection, which may include a stay of judgment and provision by the landlord of documentation necessary for processing the assistance. The landlord shall accept any pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity before the expiration of any pay or vacate notice for nonpayment of rent for the full amount of the rent owing under the rental agreement. The landlord shall accept any written pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity after the expiration of the pay or vacate notice if the pledge will contribute to the total payment of both the amount of rent due, including any current rent, and other amounts if required under this subsection. The landlord shall suspend any court action for (~~seven~~)14 court days after providing necessary payment information to the nonprofit or governmental entity to allow for payment of the emergency rental assistance funds. By accepting such pledge of emergency rental assistance, the landlord is not required to enter into any additional conditions not related to the provision of necessary payment information and documentation. If a judgment has been satisfied, the landlord shall file a satisfaction of judgment with the court. A tenant seeking to exercise rights under this subsection shall pay an additional (~~fifty dollars~~)\$50 for each time the tenant was reinstated after judgment pursuant to this

subsection within the previous (~~twelve~~)12 months prior to payment. If payment of the amount specified in this subsection is not made within five court days after the entry of the judgment, the judgment may be enforced for its full amount and for the possession of the premises.

(3) (a) Following the entry of a judgment in favor of the landlord and against the tenant for the restitution of the premises and forfeiture of the tenancy due to nonpayment of rent, the court, at the time of the show cause hearing or trial, or upon subsequent motion of the tenant but before the execution of the writ of restitution, may stay the writ of restitution upon good cause and on such terms that the court deems fair and just for both parties. In making this decision, the court shall consider evidence of the following factors:

- (i) The tenant's willful or intentional default or intentional failure to pay rent;
- (ii) Whether nonpayment of the rent was caused by exigent circumstances that were beyond the tenant's control and that are not likely to recur;
- (iii) The tenant's ability to timely pay the judgment;
- (iv) The tenant's payment history;
- (v) Whether the tenant is otherwise in substantial compliance with the rental agreement;
- (vi) Hardship on the tenant if evicted; and
- (vii) Conduct related to other notices served within the last six months.

(b) The burden of proof for such relief under this subsection (3) shall be on the tenant. If the tenant seeks relief pursuant to this subsection (3) at the time of the show cause hearing, the court shall hear the matter at the time of the show cause hearing or as expeditiously as possible so as to avoid unnecessary delay or hardship on the parties.

(c) In any order issued pursuant to this subsection (3):

(i) The court shall not stay the writ of restitution more than (~~ninety~~)90 days from the date of order, but may order repayment of the judgment balance within such time. If the payment plan is to exceed (~~thirty~~)30 days, the total cumulative payments for each (~~thirty-day~~)30-day period following the order shall be no less than one month of the tenant's share of the rent, and the total amount of the judgment and all additional rent that is due shall be paid within (~~ninety~~)90 days.

(ii) Within any payment plan ordered by the court, the court shall require the tenant to pay to the landlord or to the court one month's rent within five court days of issuance of the order. If the date of the order is on or before the (~~fifteenth~~)15th of the month, the tenant shall remain current with ongoing rental payments as they become due for the duration of the payment plan; if the date of the order is after the (~~fifteenth~~)15th of the month, the tenant shall have the option to apportion the following month's rental payment within the payment plan, but monthly rental payments thereafter shall be paid according to the rental agreement.

(iii) The sheriff may serve the writ of restitution upon the tenant before the expiration of the five court days of issuance of the order; however, the sheriff shall not execute the writ of restitution until after expiration of the five court days in order for payment to be made of one month's rent as required by (c)(ii) of this subsection. In the event payment is made as provided in (c)(ii) of this subsection for one month's rent, the court shall stay the writ of restitution ex parte without prior notice to the landlord upon the tenant filing and presenting a motion to stay with a declaration of proof of payment demonstrating full compliance with the required payment of one month's rent. Any order staying the writ of restitution under this subsection (3)(c)(iii) shall require the tenant to serve a copy of the order on the landlord by personal delivery, first-class mail, facsimile, or email if agreed to by the parties.

(A) If the tenant has satisfied (c)(ii) of this subsection by paying one month's rent within five court days, but defaults on a subsequent payment required by the court pursuant to this subsection (3)(c), the landlord may enforce the writ of restitution after serving a notice of default in accordance with RCW 59.12.040 informing the tenant that he or she has defaulted on rent due under the lease agreement or payment plan entered by the court. Upon service of the notice of default, the tenant shall have three calendar days from the date of service to vacate the premises before the sheriff may execute the writ of restitution.

(B) If the landlord serves the notice of default described under this subsection (3)(c)(iii), an additional day is not included in calculating the time before the sheriff may execute the writ of restitution. The notice of default must be in substantially the following form:

NOTICE OF DEFAULT FOR RENT AND/OR PAYMENT PLAN ORDERED BY COURT

NAME(S)  
ADDRESS  
CITY, STATE, ZIP

THIS IS NOTICE THAT YOU ARE IN DEFAULT OF YOUR RENT AND/OR PAYMENT PLAN ORDERED BY THE COURT. YOUR LANDLORD HAS RECEIVED THE FOLLOWING PAYMENTS:

DATE  
AMOUNT  
DATE  
AMOUNT  
DATE  
AMOUNT

THE LANDLORD MAY SCHEDULE YOUR PHYSICAL EVICTION WITHIN THREE CALENDAR DAYS OF SERVICE OF THIS NOTICE. TO STOP A PHYSICAL EVICTION, YOU ARE REQUIRED TO PAY THE BALANCE OF YOUR RENT AND/OR PAYMENT PLAN IN THE AMOUNT OF \$ . . . . . PAYMENT MAY BE MADE TO THE COURT OR TO THE LANDLORD. IF YOU FAIL TO PAY THE BALANCE WITHIN THREE CALENDAR DAYS, THE LANDLORD MAY PROCEED WITH A PHYSICAL EVICTION FOR POSSESSION OF THE UNIT THAT YOU ARE RENTING.

DATE

SIGNATURE  
 LANDLORD/AGENT  
 NAME  
 ADDRESS  
 PHONE

(iv) If a tenant seeks to satisfy a condition of this subsection (3)(c) by relying on an emergency rental assistance program provided by a government or nonprofit entity and provides an offer of proof, the court shall stay the writ of restitution as necessary to afford the tenant an equal opportunity to comply.

(v) The court shall extend the writ of restitution as necessary to enforce the order issued pursuant to this subsection (3)(c) in the event of default.

(d) A tenant who has been served with three or more notices to pay or vacate for failure to pay rent as set forth in RCW 59.12.040 within twelve months prior to the notice to pay or vacate upon which the proceeding is based may not seek relief under this subsection (3), unless the court determines any of the notices served were invalid or did not otherwise comply with the requirements of this chapter.

(e)(i) In any application seeking relief pursuant to this subsection (3) by either the tenant or landlord, the court shall issue a finding as to whether the tenant is low-income, limited resourced, or experiencing hardship to determine if the parties would be eligible for disbursement through the landlord mitigation program account established within RCW 43.31.605(1) ~~((e))~~ (b). In making this finding, the court may include an inquiry regarding the tenant's income relative to area median income, household composition, any extenuating circumstances, or other factors, and may rely on written declarations or oral testimony by the parties at the hearing.

(ii) After a finding that the tenant is low-income, limited resourced, or experiencing hardship, the court may issue an order: (A) Finding that the landlord is eligible to receive on behalf of the tenant and may apply for reimbursement from the landlord mitigation program; and (B) directing the clerk to remit, without further order of the court, any future payments made by the tenant in order to reimburse the department of commerce pursuant to RCW 43.31.605(1) ~~((e))~~ (b) (iii). In accordance with RCW 43.31.605(1) ~~((e))~~ (b), such an order must be accompanied by a copy of the order staying the writ of restitution. Nothing in this subsection (3)(e) shall be deemed to obligate the department of commerce to provide assistance in claim reimbursement through the landlord mitigation program if there are not sufficient funds.

(iii) If the department of commerce fails to disburse payment to the landlord for the judgment pursuant to this subsection (3)(e) within ~~((thirty))~~ 30 days from submission of the application, the landlord may renew an application for a writ of restitution pursuant to RCW 59.18.370 and for other rent owed by the tenant since the time of entry of the prior judgment. In such event, the tenant may exercise rights afforded under this section.

(iv) Upon payment by the department of commerce to the landlord for the remaining or total amount of the judgment, as applicable, the judgment is satisfied and the landlord shall file a satisfaction of judgment with the court.

(v) Nothing in this subsection (3)(e) prohibits the landlord from otherwise applying for reimbursement for an unpaid judgment pursuant to RCW 43.31.605(1) ~~((e))~~ (b) after the tenant defaults on a payment plan ordered pursuant to (c) of this subsection.

~~((For the period extending one year beyond the expiration of the eviction moratorium, if))~~ If a tenant demonstrates an ability to pay in order to reinstate the tenancy by means of disbursement through the landlord mitigation program account established within RCW 43.31.605(1) ~~((e))~~ (b):

(A) Any restrictions imposed under (d) of this subsection do not apply in determining if a tenant is eligible for reinstatement under this subsection (3); and

(B) Reimbursement on behalf of the tenant to the landlord under RCW 43.31.605(1) ~~((e))~~ (b) may include up to three months of prospective rent to stabilize the tenancy as determined by the court.

(4) If a tenant seeks to stay a writ of restitution issued pursuant to this chapter, the court may issue an ex parte stay of the writ of restitution provided the tenant or tenant's attorney submits a declaration indicating good faith efforts were made to notify the other party or, if no efforts were made, why notice could not be provided prior to the application for an ex parte stay, and describing the immediate or irreparable harm that may result if an immediate stay is not granted. The court shall require service of the order and motion to stay the writ of restitution by personal delivery, mail, facsimile, or other means most likely to afford all parties notice of the court date.

(5) In all other cases the judgment may be enforced immediately. If a writ of restitution shall have been executed prior to judgment no further writ or execution for the premises shall be required.

(6) This section also applies if the writ of restitution is issued pursuant to a final judgment entered after a show cause hearing conducted in accordance with RCW 59.18.380.

**Sec. 3.** RCW 59.18.057 and 2021 c 115 s 10 are each amended to read as follows:

(1) Every 14-day notice served pursuant to RCW 59.12.030(3) must be in substantially the following form:

"TO:

AND TO:

ADDRESS:

**FOURTEEN-DAY NOTICE TO PAY RENT OR VACATE THE PREMISES**

You are receiving this notice because the landlord alleges you are not in compliance with the terms of the lease agreement by failing to pay rent and/or utilities and/or

recurring or periodic charges that are past due.

(1) Monthly rent due for (list month(s)): \$ (dollar amount)

AND/OR

(2) Utilities due for (list month(s)): \$ (dollar amount)

AND/OR

(3) Other recurring or periodic charges identified in the lease for (list month(s)): \$ (dollar amount)

TOTAL AMOUNT DUE: \$ (dollar amount)

Note - payment must be made pursuant to the terms of the rental agreement or by nonelectronic means including, but not limited to, cashier's check, money order, or other certified funds.

You must pay the total amount due to your landlord within fourteen (14) days after service of this notice or you must vacate the premises. Any payment you make to the landlord must first be applied to the total amount due as shown on this notice. Any failure to comply with this notice within fourteen (14) days after service of this notice may result in a judicial proceeding that leads to your eviction from the premises.

The Washington state Office of the Attorney General has this notice in multiple languages as well as information on available resources to help you pay your rent, including state and local rental assistance programs, on its website at www.atg.wa.gov/landlord-tenant.

State law provides you the right to legal representation and the court may be able to appoint a lawyer to represent you without cost to you if you are a qualifying low-income renter. If you believe you are a qualifying low-income renter and would like an attorney appointed to represent you, please contact the Eviction Defense Screening Line at 855-657-8387 or apply online at https://nwjustice.org/apply-online. For additional resources, call 2-1-1 or the Northwest Justice Project CLEAR Hotline outside King County (888) 201-1014 weekdays between 9:15 a.m. - 12:15 p.m., or (888) 387-7111 for seniors (age 60 and over). You may find additional information to help you at http://www.washingtonlawhelp.org. Free or low-cost mediation services to assist in nonpayment of rent disputes before any judicial proceedings occur are also available at dispute resolution centers throughout the state. You can find your nearest dispute resolution center at https://www.resolutionwa.org.

State law also provides you the right to receive interpreter services at court.

OWNER/  
LANDLORD: \_\_\_\_\_ DATE: \_\_\_\_\_

WHERE TOTAL AMOUNT DUE IS TO BE PAID:  
\_\_\_\_ (owner/landlord name) \_\_\_\_\_  
\_\_\_\_\_ (address) \_\_\_\_\_"

(2) ((Upon expiration of the eviction resolution pilot program established under RCW 59.18.660:

~~(a) The landlord must also provide the notice required in this section to the dispute resolution center located within or serving the county in which the dwelling unit is located. It is a defense to an eviction under RCW 59.12.030 that a landlord did not provide additional notice under this subsection.~~

~~(b) Dispute resolution centers are encouraged to notify the housing justice project or northwest justice project located within or serving the county in which the dispute resolution center is located, as appropriate, once notice is received from the landlord under this subsection.~~

~~(3)) The form required in this section does not abrogate any additional notice requirements to tenants as required by federal, state, or local law."~~

Correct the title.

Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Bateman; Chopp; Entenman; Reed and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; and Low.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis; and Hutchins.

Referred to Committee on Rules for second reading

March 20, 2023

ESSB 5272

Prime Sponsor, Transportation: Concerning speed safety camera systems on state highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Doglio; Duerr; Entenman; Griffey; Hackney; Mena; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; Goehner; and Klicker.

Referred to Committee on Rules for second reading

March 20, 2023

E2SSB 5311

Prime Sponsor, Ways & Means: Concerning special education funding formula. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

March 20, 2023

SSB 5386 Prime Sponsor, Housing: Reducing administrative complexity by increasing transparency of revenue flows for activities funded by document recording fees. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Appropriations

March 20, 2023

SB 5403 Prime Sponsor, Senator Schoesler: Establishing school district depreciation subfunds for the purposes of preventative maintenance. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele and Stonier.

MINORITY recommendation: Without recommendation. Signed by Representatives Shavers, Vice Chair; Callan; and Timmons.

Referred to Committee on Rules for second reading

March 20, 2023

2SSB 5593 Prime Sponsor, Ways & Means: Improving equity in the transfer of student data between K-12 schools and institutions of higher education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Institutions of higher education must enter into data-sharing agreements with the office of the superintendent of public instruction to facilitate the transfer of high school student directory information collected under section 2 of this act for the purposes of informing Washington high school students of postsecondary educational opportunities available in the state.

(2) Data-sharing agreements entered into under this section must provide for the sharing of student enrollment and outcome information from institutions of higher education to the office of the superintendent of public instruction. Information provided in accordance with this subsection (2) must include the statewide student identifier for each student. To the extent possible, the office of the superintendent of public instruction shall transmit student enrollment information to the enrolled students' host districts for the current year.

(3) (a) Data-sharing agreements entered into by a community college or technical college as defined in RCW 28B.50.030 are limited to informing Washington high school students of postsecondary educational opportunities available within a college's service district as enumerated in RCW 28B.50.040.

(b) The state board for community and technical colleges may coordinate with all of the community and technical colleges to develop a single data-sharing agreement between the community and technical colleges and the office of the superintendent of public instruction.

(4) Agreements entered into under this section must obligate institutions that will receive information through an agreement to maintain the statewide student identifier for each student.

(5) For the purposes of this section, "statewide student identifier" means the statewide student identifier required by RCW 28A.320.175 that is included in the longitudinal student data system established under RCW 28A.300.500.

(6) For the purposes of this section, "directory information" has the same meaning as in section 2 of this act.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) Beginning in 2023, each school district that operates a high school shall annually transmit directory information for all enrolled high school students to the office of the superintendent of public instruction by November 1st.

(2) The office of the superintendent of public instruction must hold the high school student directory information collected under this section and make the information available for institutions of higher education, as defined under RCW 28B.10.016.

(3) By no later than the beginning of the 2025-26 school year, the office of the superintendent of public instruction shall identify a process for making information provided in accordance with section 1(2) of this act on a student's enrollment in an institution of higher education available to the student's school district. The process identified under this subsection (3) must require that information provided to school districts include the statewide student identifier for each student.

(4) In transmitting student information under this section, school districts must comply with the consent procedures under RCW 28A.605.030, the federal family educational and privacy rights act of 1974 (20 U.S.C. Sec. 1232g), and all applicable rules and regulations.

(5) The student directory information data collected under this section is solely for the following purposes:

(a) College awareness and admissions at institutions of higher education, as defined under RCW 28B.10.016; and

(b) Providing enrollment and outcome information to the office of the superintendent of public instruction and to school districts related to students from

their respective school district under subsection (3) of this section.

(6) For the purposes of this section, "statewide student identifier" has the same meaning as in section 1 of this act.

(7) For the purposes of this section, "directory information" means the names, addresses, email addresses, and telephone numbers of students and their parents or legal guardians."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

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 sixth order of business.

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5275, by Senate Committee on Ways & Means (originally sponsored by Robinson, Hunt, Keiser, Lovick, Nobles, Randall, Wellman and Wilson, C.)**

**Expanding access to benefits provided by the school employees' benefits board.**

The bill was read the second time.

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

Representatives Macri and Stokesbary spoke in favor of the passage of the bill.

## MOTION

On motion of Representative Griffey, Representative Waters was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5275.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5275, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Waters

SUBSTITUTE SENATE BILL NO. 5275, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5729, by Senate Committee on Health & Long Term Care (originally sponsored by Keiser, Cleveland, Hasegawa, Hunt, Kuderer, Nguyen, Shewmake, Stanford, Valdez and Wilson, C.)**

**Removing the expiration date on the cost-sharing cap for insulin.**

The bill was read the second time.

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

Representatives Bateman and Maycumber spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5729.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5729, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh  
Excused: Representative Waters

SUBSTITUTE SENATE BILL NO. 5729, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5003, by Senators Lovick, Robinson, Dhingra, Liias, Nobles, Stanford and Torres**

**Increasing the number of district court judges in Snohomish county.**

The bill was read the second time.

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

Representatives Berg and Low spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5003.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5003, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier,

Callan, Chambers, Chandler, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Chapman  
Excused: Representative Waters

SENATE BILL NO. 5003, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5072, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Nobles, Wellman, Hunt, Keiser, Kuderer, Liias, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Trudeau, Valdez and Wilson, C.)**

**Advancing equity in programs for highly capable students.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was adopted. For Committee amendment, see Journal, Day 64, Monday, March 13, 2023.

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

Representatives Santos, Ybarra and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5072, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5072, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Waters

SUBSTITUTE SENATE BILL NO. 5072, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5079, by Senators Braun, Liias, Boehnke, Dozier, Holy, King, Mullet, Muzzall, Saldaña, Schoesler, Wagoner and Wellman**

**Concerning the date by which tuition operating fees are established.**

The bill was read the second time.

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

Representatives Ybarra and Slatter spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5079.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5079, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Waters

SENATE BILL NO. 5079, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5394, by Senators Randall, Dhingra, Keiser, Nguyen, Stanford, Valdez and Wilson, C.**

**Concerning malpractice insurance for international medical graduate supervisors.**

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5394.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5394, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Waters

SENATE BILL NO. 5394, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5490, by Senate Committee on Ways & Means (originally sponsored by Rolfes, Conway, Hunt, Lovick, Saldaña and Wilson, C.)**

**Concerning health care coverage for retired or disabled employees denied coverage for failure to timely notify the authority of their intent to defer coverage.**

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 Simmons spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5490.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5490, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Waters

SUBSTITUTE SENATE BILL NO. 5490, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5142, by Senate Committee on Ways & Means (originally sponsored by Liiias, Rivers, Dhingra, Kauffman, Nobles, Trudeau, Valdez, Wilson, C. and Wilson, J.)**

**Creating an account for the pharmaceutical rebate revenue generated by the purchase of medications for people living with HIV who are enrolled in the early intervention program.**

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5142.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5142, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Waters

ENGROSSED SUBSTITUTE SENATE BILL NO. 5142, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5033, by Senate Committee on Law & Justice (originally sponsored by Padden, Van De Wege, Dhingra, Hasegawa, Kuderer and Wellman)**

**Reclassifying the sentence for the crime of custodial sexual misconduct.**

The bill was read the second time.

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

Representatives Mosbrucker, Stearns and Graham spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5033.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5033, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Waters

SUBSTITUTE SENATE BILL NO. 5033, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Thursday, March 23, 2023, the 74th Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk



## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SEVENTY FOURTH DAY

House Chamber, Olympia, Thursday, March 23, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Claudia Kibbe and Beka Mamuldze. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Stephanie Johnson, Mountain View Church, Tumwater.

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 fourth order of business.

## INTRODUCTION &amp; FIRST READING

HB 1848 by Representative Walen

AN ACT Relating to sales to a broadband communications services provider of machinery and equipment used in a communication network; amending RCW 82.08.02565 and 82.12.02565; and creating a new section.

Referred to Committee on Finance.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

## REPORTS OF STANDING COMMITTEES

March 21, 2023

HB 1834 Prime Sponsor, Representative Walen: Concerning reconciliation returns for apportionable income. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Berg, Chair; Street, Vice Chair; Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Barnard; Chopp; Ramel; Santos; Springer; Thai; Walen and Wylie.

Referred to Committee on Appropriations

March 21, 2023

E2SSB 5001 Prime Sponsor, Transportation: Concerning public facility districts created by at least two city or county legislative authorities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.57.010 and 2010 c 192 s 1 are each amended to read as follows:

(1)(a) The legislative authority of any town or city located in a county with a population of less than one million may create a public facilities district.

(b) The legislative authorities of any contiguous group of towns or cities located in a county or counties each with a population of less than one million may enter an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(c) The legislative authority of any town or city, or any contiguous group of towns or cities, located in a county with a population of less than one million and the legislative authority of a contiguous county, or the legislative authority of the county or counties in which the towns or cities are located, may enter into an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(d) The legislative authority of a city located in a county with a population greater than one million may create a public facilities district, when the city has a total population of less than one hundred fifteen thousand but greater than eighty thousand and commences construction of a regional center prior to July 1, 2008.

(e) At least three contiguous towns or cities with a combined population of at least one hundred sixty thousand, each of which previously created a public facilities district under (a) of this subsection, may create an additional public facilities district. The previously created districts may continue their full corporate existence and activities notwithstanding the creation and existence of the additional district within the same geographic area.

(f) The legislative authority of two or more contiguous towns or cities or the legislative authority of two or more contiguous towns or cities and the legislative authority of the county or counties in which the towns or cities are located, each of which participated in the creation of a public facilities district under (c) of this subsection, may create an additional public facilities district. Any previously created district may continue its full corporate existence and activities notwithstanding the creation and existence of an additional district within the same geographic area. A public facilities district formed under this subsection (1)(f) must be created prior to July 1, 2026. The creation of a public facilities district under this subsection does not require all of the original participating towns, cities, or counties that created a public facilities district under (c) of this subsection to participate in the formation of the

additional public facilities district under this subsection.

(2)(a) A public facilities district is coextensive with the boundaries of the city or town or contiguous group of cities or towns that created the district.

(b) A public facilities district created by an agreement between a town or city, or a contiguous group of towns or cities, and a contiguous county or the county in which they are located, is coextensive with the boundaries of the towns or cities, and the boundaries of the county or counties as to the unincorporated areas of the county or counties. The boundaries do not include incorporated towns or cities that are not parties to the agreement for the creation and joint operation of the district.

(3)(a) A public facilities district created by a single city or town shall be governed by a board of directors consisting of five members selected as follows: (i) Two members appointed by the legislative authority of the city or town; and (ii) three members appointed by legislative authority based on recommendations from local organizations. The members appointed under (a)(i) of this subsection, shall not be members of the legislative authority of the city or town. The members appointed under (a)(ii) of this subsection, must be based on recommendations received from local organizations that may include, but are not limited to, the local chamber of commerce, local economic development council, and local labor council. The members shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(b) A public facilities district created by a contiguous group of cities and towns must be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities and towns; and (ii) four members appointed by the legislative authorities of the cities and towns based on recommendations from local organizations. The members appointed under (b)(i) of this subsection shall not be members of the legislative authorities of the cities and towns. The members appointed under (b)(ii) of this subsection, must be based on recommendations received from local organizations that include, but are not limited to, the local chamber of commerce, local economic development council, local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors must be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(c) A public facilities district created by a town or city, or a contiguous group of towns or cities, and a contiguous county or

the county or counties in which they are located, must be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities, towns, and county; and (ii) four members appointed by the legislative authorities of the cities, towns, and county based on recommendations from local organizations. The members appointed under (c)(i) of this subsection shall not be members of the legislative authorities of the cities, towns, or county. The members appointed under (c)(ii) of this subsection must be based on recommendations received from local organizations that include, but are not limited to, the local chamber of commerce, the local economic development council, the local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors must be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(d)(i) A public facilities district created under subsection (1)(e) of this section must provide, in the agreement providing for its creation and operation, that the district must be governed by an odd-numbered board of directors of not more than nine members who are also members of the legislative authorities that created the public facilities district or of the governing boards of the public facilities districts previously created by those legislative authorities, or both.

(ii) A board of directors formed under this subsection must have an equal number of members representing each city or town participating in the public facilities district. If there are unfilled board member positions after each city or town has appointed an equal number of board members, the members so appointed must appoint a number of additional board members necessary to fill any remaining positions. For a board formed under this subsection to submit a proposition to the voters under RCW 82.14.048, a majority of the members representing or appointed by each legislative authority participating in the public facilities district must agree to submit the proposition to the voters (~~however, the board may not submit a proposition to the voters prior to January 1, 2011~~).

(4) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(5) A public facilities district constitutes a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically

conferred by statute(7) including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) A public facilities district may acquire and transfer real and personal property by lease, sublease, purchase, or sale. No direct or collateral attack on any public facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the city and/or county legislative authority.

**Sec. 2.** RCW 35.57.020 and 2019 c 341 s 1 are each amended to read as follows:

(1)(a) A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more regional centers. For purposes of this chapter, "regional center" means a convention, conference, or special events center, or any combination of facilities, and related parking facilities, serving a regional population constructed, improved, or rehabilitated after July 25, 1999, at a cost of at least ten million dollars, including debt service. "Regional center" also includes an existing convention, conference, or special events center, and related parking facilities, serving a regional population, that is improved or rehabilitated after July 25, 1999, where the costs of improvement or rehabilitation are at least ten million dollars, including debt service. A "special events center" is a facility, available to the public, used for community events, sporting events, trade shows, and artistic, musical, theatrical, or other cultural exhibitions, presentations, or performances. A regional center is conclusively presumed to serve a regional population if state and local government investment in the construction, improvement, or rehabilitation of the regional center is equal to or greater than ten million dollars.

(b) A public facilities district created under RCW 35.57.010(1)(e):

(i) Is authorized, in addition to the authority granted under (a) of this subsection, to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more recreational facilities other than a ski area;

(ii) If exercising its authority under (a) or (b)(i) of this subsection, must obtain voter approval to fund each recreational facility or regional center pursuant to RCW 82.14.048(4)(a); and

(iii) Possesses all of the powers with respect to recreational facilities other than a ski area that all public facilities districts possess with respect to regional centers under subsections (3), (4), and (7) of this section.

(c) A public facilities district created under RCW 35.57.010(1)(a) by a city or town that participated in the creation of an additional public facilities district under RCW 35.57.010(1)(e):

(i) Is authorized, in addition to the authority granted under (a) of this

subsection, to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more recreational facilities other than a ski area;

(ii) If exercising its authority under (c)(i) of this subsection, must obtain voter approval to fund each recreational facility pursuant to RCW 82.14.048(4)(a); and

(iii) Possesses all of the powers with respect to recreational facilities other than a ski area that all public facilities districts possess with respect to regional centers.

(d) A public facilities district created under RCW 35.57.010(1)(f) is authorized, in lieu of the authority granted under (a) of this subsection, to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate regional aquatics and sports facilities, including the purchase, acquisition, construction, repairing, remodeling, and operation of community pools within the district. Additionally, a public facilities district created under RCW 35.57.010(1)(f) may provide funding for transportation improvements directly associated with facilitating motor vehicle and pedestrian access to regional aquatics and sports facilities, which includes funding for new construction, reconstruction, expansion, and maintenance of pedestrian trails, city streets, county roads, and state highways. However, the transportation improvements must be aligned with applicable state, regional, or local transportation plans.

(2) A public facilities district may enter into contracts with any city or town for the purpose of exercising any powers of a community renewal agency under chapter 35.81 RCW.

(3) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations for the purpose of a regional center.

(4) A public facilities district may impose charges, fees, and taxes authorized in RCW 35.57.040, and use revenues derived therefrom for the purpose of paying principal and interest payments on bonds issued by the public facilities district to construct a regional center.

(5) Notwithstanding the establishment of a career, civil, or merit service system, a public facilities district may contract with a public or private entity for the operation or management of its public facilities.

(6) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center.

(7) A city or town in conjunction with any special agency, authority, or other district established by a county or any other governmental agency is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional

center funded in whole or in part by a public facilities district.

(8) Any provision required to be submitted for voter approval under this section((7)) may not be submitted for voter approval prior to January 1, 2011.

**Sec. 3.** RCW 82.14.048 and 2012 c 4 s 6 are each amended to read as follows:

(1) The following definitions apply throughout this section unless the context clearly requires otherwise.

(a) "Distressed public facilities district" means a public facilities district that has defaulted on bond anticipation notes or bonds in excess of forty million dollars on or before April 1, 2012; and

(b) "Anchor jurisdiction" means a city that has entered into an agreement to form a public facilities district under RCW 35.57.010(1)(c) that constitutes a distressed public facilities district under this chapter and in which the largest asset of such public facilities district is located.

(2)(a) The governing board of a public facilities district under chapter 36.100 or 35.57 RCW may submit an authorizing proposition to the voters of the district, and if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter.

(b) In addition to the tax authorized pursuant to (a) of this subsection and in addition to any other authority conferred by law, the legislative authority of an anchor jurisdiction may impose a sales and use tax within the geographical boundaries of the anchor jurisdiction in accordance with the terms of this chapter without submitting an authorizing proposition to the voters of the anchor jurisdiction or the distressed public facilities district.

(3) The tax authorized in this section is in addition to any other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax may not exceed two-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. A public facilities district formed under RCW 35.57.010(1)(e) may not impose the tax authorized under this section at a rate that exceeds two-tenths of one percent minus the rate of the highest tax authorized by this section that is imposed by any other public facilities district within its boundaries. A public facilities district formed under RCW 35.57.010(1)(f) may impose the tax authorized under this section at a rate of not more than two-tenths of one percent regardless of the tax imposed under this section by any other public facilities district within its boundaries. An anchor jurisdiction may impose the tax authorized by subsection (2)(b) of this section at a rate not to exceed two-tenths of one percent, regardless of whether any other public facilities district (including a distressed public facilities district) within its boundaries imposes the tax

authorized by this section or the rate of such tax imposed by the public facilities district. If a public facilities district formed under RCW 35.57.010(1)(e) has imposed a tax under this section and issued or incurred obligations pledging that tax, so long as those obligations are outstanding no other public facilities district within its boundaries may thereafter impose a tax under this section at a rate that would reduce the rate of the tax that was pledged to the repayment of those obligations. A public facilities district that imposes a tax under this section is responsible for the payment of any costs incurred for the purpose of administering the provisions of this section, RCW 35.57.010(1)(e), and 35.57.020(1)(b), including any administrative costs associated with the imposition of the tax under this section incurred by either the department of revenue or local government, or both.

(4)(a) Moneys received by a public facilities district from any tax imposed by the public facilities district under the authority of this section must be used for the purpose of providing funds for the costs associated with the financing, refinancing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of its public facilities, and for transportation improvements directly associated with facilitating motor vehicle and pedestrian access to its public facilities to the extent allowed in RCW 35.57.020(1)(d).

(b) Moneys received by an anchor jurisdiction from any tax imposed by the anchor jurisdiction under the authority of this section must be used for the purpose of providing funds for the costs associated with the financing, refinancing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of the public facilities of the distressed public facilities district, and for all litigation, investigation, and related costs and expenses incurred by the anchor jurisdiction toward resolving matters related to the defaults of the distressed public facilities district. To the extent the distressed public facilities district owes money to an anchor jurisdiction, the anchor jurisdiction may apply money from the sales tax imposed under this section to any such obligations. Any sales tax imposed by an anchor jurisdiction under this section must terminate no later than thirty years after it is first imposed."

Correct the title.

Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Finance

March 20, 2023

**E2SSB 5080** Prime Sponsor, Ways & Means: Expanding and improving the social equity in cannabis program. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.330.540 and 2022 c 16 s 36 are each amended to read as follows:

(1) The cannabis social equity technical assistance grant program is established and is to be administered by the department.

(2)(a) The cannabis social equity technical assistance grant program must award grants to:

(i) Cannabis license applicants who are social equity applicants as defined in RCW 69.50.335 submitting social equity plans ~~((under RCW 69.50.335))~~ as defined in RCW 69.50.101; and

(ii) Cannabis licensees holding a license issued after ~~((June 30, 2020, and before July 25, 2021))~~ April 1, 2023, and before July 1, 2024, who meet the social equity applicant criteria under RCW 69.50.335.

(b) Grant recipients under this subsection (2) must demonstrate completion of their project within 12 months of receiving a grant, unless a grant recipient requests, and the department approves, additional time to complete the project.

(3) The department must award grants primarily based on the strength of the social equity plans submitted by cannabis license applicants and cannabis licensees holding a license issued after ~~((June 30, 2020))~~ April 1, 2023, and before ~~((July 25, 2021))~~ July 1, 2024, but may also consider additional criteria if deemed necessary or appropriate by the department. Technical assistance activities eligible for funding include, but are not limited to:

(a) Assistance navigating the cannabis licensure process;

(b) Cannabis-business specific education and business plan development;

(c) Regulatory compliance training;

(d) Financial management training and assistance in seeking financing;

(e) Strengthening a social equity plan as defined in RCW 69.50.101; and

(f) Connecting social equity applicants with established industry members and tribal cannabis enterprises and programs for mentoring and other forms of support.

(4) The department may contract to establish a roster of mentors who are available to support and advise social equity applicants and current licensees who meet the social equity applicant criteria under RCW 69.50.335. Contractors under this section must:

(a) Have knowledge and experience demonstrating their ability to effectively advise eligible applicants and licensees in navigating the state's licensing and regulatory framework or on producing and processing cannabis;

(b) Be a business that is at least 51 percent minority or woman-owned; and

(c) Meet department reporting and invoicing requirements.

(5) Funding for the cannabis social equity technical assistance grant program must be provided ~~((through the dedicated cannabis account))~~ under RCW 69.50.540. Additionally, the department may solicit, receive, and expend private contributions to support the grant program.

(6) The department may adopt rules to implement this section.

(7) For the purposes of this section, "cannabis" has the meaning provided under RCW 69.50.101.

**Sec. 2.** RCW 69.50.331 and 2022 c 16 s 58 are each amended to read as follows:

(1) For the purpose of considering any application for a license to produce, process, research, transport, or deliver cannabis, useable cannabis, cannabis concentrates, or cannabis-infused products subject to the regulations established under RCW 69.50.385, or sell cannabis, or for the renewal of a license to produce, process, research, transport, or deliver cannabis, useable cannabis, cannabis concentrates, or cannabis-infused products subject to the regulations established under RCW 69.50.385, or sell cannabis, the board must conduct a comprehensive, fair, and impartial evaluation of the applications timely received.

(a) The board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension, revocation, cancellation, or renewal or denial thereof, of any license, the board may consider any prior criminal arrests or convictions of the applicant, any public safety administrative violation history record with the board, and a criminal history record information check. The board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The board must require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW do not apply to these cases. Subject to the provisions of this section, the board may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (7)(c) and (10) of this section. Authority to approve an uncontested or unopposed license may be granted by the board to any staff member the board designates in writing. Conditions for granting this authority must be adopted by rule.

(b) No license of any kind may be issued to:

(i) A person under the age of (~~twenty-one~~)21 years;

(ii) A person doing business as a sole proprietor who has not lawfully resided in the state for at least six months prior to applying to receive a license;

(iii) A partnership, employee cooperative, association, nonprofit corporation, or corporation unless formed under the laws of this state, and unless all of the members thereof are qualified to obtain a license as provided in this section; or

(iv) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.

(2)(a) The board may, in its discretion, subject to RCW 43.05.160, 69.50.563, 69.50.562, 69.50.334, and 69.50.342(3) suspend or cancel any license; and all protections of the licensee from criminal or civil sanctions under state law for producing, processing, researching, or selling cannabis, cannabis concentrates, useable cannabis, or cannabis-infused products thereunder must be suspended or terminated, as the case may be.

(b) The board must immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license is automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) The board may request the appointment of administrative law judges under chapter 34.12 RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, and consider mitigating and aggravating circumstances in any case and deviate from any prescribed penalty, under rules the board may adopt.

(d) Witnesses must be allowed fees and mileage each way to and from any inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, compels obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(3) Upon receipt of notice of the suspension or cancellation of a license, the licensee must forthwith deliver up the license to the board. Where the license has been suspended only, the board must return the license to the licensee at the expiration or termination of the period of suspension. The board must notify all other licensees in the county where the subject licensee has its premises of the suspension or cancellation of the license; and no other licensee or employee of another licensee may allow or cause any cannabis, cannabis concentrates, useable cannabis, or cannabis-infused products to be delivered to or for any person at the premises of the subject licensee.

(4) Every license issued under this chapter is subject to all conditions and restrictions imposed by this chapter or by rules adopted by the board to implement and enforce this chapter. All conditions and restrictions imposed by the board in the issuance of an individual license must be listed on the face of the individual license along with the trade name, address, and expiration date.

(5) Every licensee must post and keep posted its license, or licenses, in a conspicuous place on the premises.

(6) No licensee may employ any person under the age of (~~twenty-one~~)21 years.

(7)(a) Before the board issues a new or renewed license to an applicant it must give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns, or to the tribal government if the application is for a license within Indian country, or to the port authority if the application for a license is located on property owned by a port authority.

(b) The incorporated city or town through the official or employee selected by it, the county legislative authority or the official or employee selected by it, the tribal government, or port authority has the right to file with the board within twenty days after the date of transmittal of the notice for applications, or at least thirty days prior to the expiration date for renewals, written objections against the applicant or against the premises for which the new or renewed license is asked. The board may extend the time period for submitting written objections upon request from the authority notified by the board.

(c) The written objections must include a statement of all facts upon which the objections are based, and in case written objections are filed, the city or town or county legislative authority may request, and the board may in its discretion hold, a hearing subject to the applicable provisions of Title 34 RCW. If the board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request a hearing subject to the applicable provisions of Title 34 RCW. If a hearing is held at the request of the applicant, board

representatives must present and defend the board's initial decision to deny a license or renewal.

(d) Upon the granting of a license under this title the board must send written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(8) (a) Except as provided in (b) through (e) of this subsection, the board may not issue a license for any premises within ~~((one thousand))~~ 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged ~~((twenty-one))~~ 21 years or older.

(b) A city, county, or town may permit the licensing of premises within ~~((one thousand))~~ 1,000 feet but not less than ~~((one hundred))~~ 100 feet of the facilities described in (a) of this subsection, except elementary schools, secondary schools, and playgrounds, by enacting an ordinance authorizing such distance reduction, provided that such distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

(c) A city, county, or town may permit the licensing of research premises allowed under RCW 69.50.372 within ~~((one thousand))~~ 1,000 feet but not less than ~~((one hundred))~~ 100 feet of the facilities described in (a) of this subsection by enacting an ordinance authorizing such distance reduction, provided that the ordinance will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement, public safety, or public health.

(d) The board may license premises located in compliance with the distance requirements set in an ordinance adopted under (b) or (c) of this subsection. Before issuing or renewing a research license for premises within ~~((one thousand))~~ 1,000 feet but not less than ~~((one hundred))~~ 100 feet of an elementary school, secondary school, or playground in compliance with an ordinance passed pursuant to (c) of this subsection, the board must ensure that the facility:

(i) Meets a security standard exceeding that which applies to cannabis producer, processor, or retailer licensees;

(ii) Is inaccessible to the public and no part of the operation of the facility is in view of the general public; and

(iii) Bears no advertising or signage indicating that it is a cannabis research facility.

(e) The board must issue a certificate of compliance if the premises met the requirements under (a), (b), (c), or (d) of this subsection on the date of the application. The certificate allows the licensee to operate the business at the proposed location notwithstanding a later occurring, otherwise disqualifying factor.

(f) The board may not issue a license for any premises within Indian country, as defined in 18 U.S.C. Sec. 1151, including any fee patent lands within the exterior boundaries of a reservation, without the consent of the federally recognized tribe associated with the reservation or Indian country.

(9) A city, town, or county may adopt an ordinance prohibiting a cannabis producer or cannabis processor from operating or locating a business within areas zoned primarily for residential use or rural use with a minimum lot size of five acres or smaller.

(10) In determining whether to grant or deny a license or renewal of any license, the board must give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements given to law enforcement upon arrest.

(11) The board may not issue a cannabis retail license for any premises not currently licensed if:

(a) The board receives a written objection from the legislative authority of an incorporated city or town, or county legislative authority, relating to the physical location of the proposed premises;

(b) The objection to the location from the incorporated city or town, or county legislative authority, is received by the board within 20 days of the board notifying the incorporated city or town, or county legislative authority, of the proposed cannabis retail location; and

(c) The objection to the issuance of a cannabis retail license at the specified location is based on a preexisting local ordinance limiting outlet density in a specific geographic area. For purposes of this subsection (11), a preexisting local ordinance is an ordinance enacted and in effect before the date the applicant submits an application for a cannabis retail license to the board identifying the premises proposed to be licensed. No objection related to the physical location of a proposed premises may be made by a local government under this subsection (11) based on a local ordinance enacted after the date the applicant submits an application for a

cannabis retail license to the board identifying the premises proposed to be licensed.

(12) After January 1, 2024, all cannabis licensees are encouraged but are not required to submit a social equity plan to the board. Upon confirmation by the board that a cannabis licensee who is not a social equity applicant, and who does not hold a social equity license issued under RCW 69.50.335, has submitted a social equity plan, the board must within 30 days reimburse such a licensee an amount equal to the cost of the licensee's annual cannabis license renewal fee. The license renewal fee reimbursement authorized under this subsection is subject to the following limitations:

(a) The board may provide reimbursement one time only to any licensed entity; and

(b) Any licensed entity holding more than one cannabis license is eligible for reimbursement of the license renewal fee on only one license.

**Sec. 3.** RCW 69.50.335 and 2022 c 16 s 60 are each amended to read as follows:

(1)(a) Beginning December 1, 2020, and until July 1, ((2029))2032, cannabis retailer licenses, cannabis processor licenses, and cannabis producer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or cannabis retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of cannabis retailer licenses established before January 1, 2020, by the board, may be issued or reissued to an applicant who meets the cannabis retailer license, cannabis processor license, or cannabis producer license requirements of this chapter.

(b) In accordance with (a) of this subsection, the board may issue or reissue:

(i) Up to 100 cannabis processor licenses immediately; and

(ii) Beginning January 1, 2025, up to 10 cannabis producer licenses, which must be issued in conjunction with a cannabis processor license.

(c) In addition to the cannabis retailer licenses and cannabis producer licenses that may be issued under (a) and (b) of this subsection, beginning January 1, 2023, and continuing every three years until July 1, 2032, the board may, with the approval of the legislature through the passage of a bill, increase the number of cannabis retailer licenses and cannabis producer licenses for the social equity program based on:

(i) The most recent census data available as of January 1, 2023; and

(ii) The annual population estimates published by the office of financial management.

(d) In addition to the cannabis retailer licenses that may be issued under (a) of this subsection, beginning January 1, 2024, and until July 1, 2032, the board may issue up to 52 cannabis retailer licenses for the social equity program.

(e)(i) At the time of licensure, all licenses issued under the social equity

program under this section may be located in any city, town, or county in the state that allows cannabis retail, cannabis production, or cannabis processing business activities, as applicable, at the proposed location, regardless of:

(A) Whether a cannabis retailer license, cannabis producer license, or cannabis processor license was originally allocated to or issued in another city, town, or county; and

(B) The maximum number of retail cannabis licenses established by the board for each county under RCW 69.50.345.

(ii) The board must adopt rules establishing a threshold of the number of licenses created by this section that can be located in each county.

(f) After a social equity license has been issued under this section for a specific location, the location of the licensed business may not be moved to a city, town, or county different from the city, town, or county for which it was initially licensed.

(2)(a) In order to be considered for a ((retailer))cannabis retailer license, cannabis processor license, or cannabis producer license under subsection (1) of this section, an applicant must be a social equity applicant and submit ((a social equity plan along with other cannabis retailer license application requirements))required cannabis license materials to the board. If the application proposes ownership by more than one person, then at least ((fifty-one))51 percent of the proposed ownership structure must reflect the qualifications of a social equity applicant.

(b) Persons holding an existing cannabis retailer license or title certificate for a cannabis retailer business in a local jurisdiction subject to a ban or moratorium on cannabis retail businesses may apply for a license under this section.

(3)(a) In determining the priority for issuance of a license among applicants, the board ((may prioritize applicants based on the extent to which the application addresses the components of the social equity plan))must select a third-party contractor to identify and score social equity applicants, using a scoring rubric developed by the board. The board must rely on the score provided by the third-party contractor in issuing licenses.

(b) The board may deny any application submitted under this subsection if ((the)):

(i) The board determines that ((+))  
(i) The application does not meet social equity goals or does not meet social equity plan requirements; or

(ii) The application does not otherwise meet the licensing requirements of this chapter)), upon the advice of the third-party contractor, the application does not meet the social equity licensing requirements of this chapter; or

(ii) The board determines the application does not otherwise meet licensing requirements.

(4) The board ((may))must adopt rules to implement this section. ((Rules may include strategies for receiving))Prior to adopting any rule implementing this section, the



board must consider advice on the social equity program from individuals the program is intended to benefit. Rules may also require that licenses awarded under this section only be transferred to or (~~sold only to~~) assumed by individuals or groups of individuals who comply with the requirements for initial licensure as a social equity applicant (~~(with a social equity plan under this section)~~) for a period of at least five years from the date of initial licensure.

(5) The annual fee for issuance, reissuance, or renewal for any license under this section must be (~~equal to the fee established in RCW 69.50.325~~) waived through July 1, 2032.

(6) (~~For the purposes of this section:~~) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Disproportionately impacted area" means a census tract or comparable geographic area (~~(that satisfies the following criteria, which may be further defined in rule by the board after consultation with the commission on African American affairs and other agencies, commissions, and community members as determined by the board:~~

(i) The area has a high poverty rate;

(ii) The area has a high rate of participation in income-based federal or state programs) within Washington state where community members were more likely to be impacted by the war on drugs. These areas must be determined in rule by the board, in consultation with the office of equity, using a standardized statistical equation to identify areas with demographic indicators consistent with populations most impacted by the war on drugs. These areas must be assessed to account for demographic changes in the composition of the population over time. Disproportionately impacted areas must include census tracts or comparable geographic areas in the top 15th percentile in at least two of the following demographic indicators of populations most impacted by the war on drugs:

(i) The area has a high rate of people living under the federal poverty level;

(ii) The area has a high rate of people who did not graduate from high school;

(iii) The area has a high rate of unemployment; ((and)) or

((arrest, conviction, or incarceration related to the sale, possession, use, cultivation, manufacture, or transport of cannabis)) people receiving public assistance.

(b) "Social equity applicant" means (~~:~~

(i) An applicant who has at least fifty-one percent ownership and control by one or more individuals who have resided in a disproportionately impacted area for a period of time defined in rule by the board after consultation with the commission on African American affairs and other commissions, agencies, and community members as determined by the board;

(ii) An applicant who has at least fifty-one percent ownership and control by at least one individual who has been convicted of a cannabis offense, a drug offense, or is a family member of such an individual; or

(iii) An applicant who meets criteria defined in rule by the board after consultation with the commission on African American affairs and other commissions, agencies, and community members as determined by the board)) an applicant who has at least 51 percent ownership and control by one or more individuals who meet at least two of the following qualifications:

(i) Lived in a disproportionately impacted area in Washington state for a minimum of five years between 1980 and 2010;

(ii) Has been arrested or convicted of a cannabis offense or has a family member who has been arrested or convicted of a cannabis offense;

(iii) Had a household income in the year prior to submitting an application under this section that was less than the median household income within the state of Washington as calculated by the United States census bureau; or

(iv) Is both a socially and economically disadvantaged individual as defined by the office of minority and women's business enterprises under chapter 39.19 RCW.

(c) "Social equity goals" means:

(i) Increasing the number of cannabis retailer, producer, and processor licenses held by social equity applicants from disproportionately impacted areas; and

(ii) Reducing accumulated harm suffered by individuals, families, and local areas subject to severe impacts from the historical application and enforcement of cannabis prohibition laws.

((d) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection (6)(d), along with any additional plan components or requirements approved by the board following consultation with the task force created in RCW 69.50.336. The plan may include:

(i) A statement that the social equity applicant qualifies as a social equity applicant and intends to own at least fifty-one percent of the proposed cannabis retail business or applicants representing at least fifty-one percent of the ownership of the proposed business qualify as social equity applicants;

(ii) A description of how issuing a cannabis retail license to the social equity applicant will meet social equity goals;

(iii) The social equity applicant's personal or family history with the criminal justice system including any offenses involving cannabis;

(iv) The composition of the workforce the social equity applicant intends to hire;

(v) Neighborhood characteristics of the location where the social equity applicant intends to operate, focusing especially on disproportionately impacted areas; and

(vi) Business plans involving partnerships or assistance to organizations or residents with connection to populations with a history of high rates of enforcement of cannabis prohibition.))

(7) Except for the process detailed in subsection (1) of this section, the process for creating new cannabis retail licenses under this chapter remains unaltered.

**Sec. 4.** RCW 69.50.345 and 2022 c 16 s 64 are each amended to read as follows:

The board, subject to the provisions of this chapter, must adopt rules that establish the procedures and criteria necessary to implement the following:

(1) Licensing of cannabis producers, cannabis processors, and cannabis retailers, including prescribing forms and establishing application, reinstatement, and renewal fees.

(a) Application forms for cannabis producers must request the applicant to state whether the applicant intends to produce cannabis for sale by cannabis retailers holding medical cannabis endorsements and the amount of or percentage of canopy the applicant intends to commit to growing plants determined by the department under RCW 69.50.375 to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for cannabis concentrates, useable cannabis, or cannabis-infused products sold to qualifying patients.

(b) The board must reconsider and increase limits on the amount of square feet permitted to be in production on July 24, 2015, and increase the percentage of production space for those cannabis producers who intend to grow plants for cannabis retailers holding medical cannabis endorsements if the cannabis producer designates the increased production space to plants determined by the department under RCW 69.50.375 to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for cannabis concentrates, useable cannabis, or cannabis-infused products to be sold to qualifying patients. If current cannabis producers do not use all the increased production space, the board may reopen the license period for new cannabis producer license applicants but only to those cannabis producers who agree to grow plants for cannabis retailers holding medical cannabis endorsements. Priority in licensing must be given to cannabis producer license applicants who have an application pending on July 24, 2015, but who are not yet licensed and then to new cannabis producer license applicants. After January 1, 2017, any reconsideration of the limits on the amount of square feet permitted to be in production to meet the medical needs of qualifying patients must consider information contained in the medical cannabis authorization database established in RCW 69.51A.230;

(2) ~~((Determining))~~ (a) Except as provided in RCW 69.50.335, determining, in consultation with the office of financial management, the maximum number of retail outlets that may be licensed in each county, taking into consideration:

~~((+))~~ (i) Population distribution;

~~((+))~~ (ii) Security and safety issues;

~~((+))~~ (iii) The provision of adequate access to licensed sources of cannabis concentrates, useable cannabis, and cannabis-infused products to discourage purchases from the illegal market; and

~~((+))~~ (iv) The number of retail outlets holding medical cannabis endorsements necessary to meet the medical needs of qualifying patients. The board must

reconsider and increase the maximum number of retail outlets it established before July 24, 2015, and allow for a new license application period and a greater number of retail outlets to be permitted in order to accommodate the medical needs of qualifying patients and designated providers. After January 1, 2017, any reconsideration of the maximum number of retail outlets needed to meet the medical needs of qualifying patients must consider information contained in the medical cannabis authorization database established in RCW 69.51A.230.

(b) (i) In making the determination under (a) of this subsection, the board must consider written input from an incorporated city or town, or county legislative authority when evaluating concerns related to outlet density.

(ii) An incorporated city or town, or county legislative authority, may enact an ordinance prescribing outlet density limitations. An ordinance may not affect licenses issued before the effective date of the ordinance prescribing outlet density limitations.

(iii) The board may adopt rules to identify how local jurisdiction input will be evaluated;

(3) Determining the maximum quantity of cannabis a cannabis producer may have on the premises of a licensed location at any time without violating Washington state law;

(4) Determining the maximum quantities of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products a cannabis processor may have on the premises of a licensed location at any time without violating Washington state law;

(5) Determining the maximum quantities of cannabis concentrates, useable cannabis, and cannabis-infused products a cannabis retailer may have on the premises of a retail outlet at any time without violating Washington state law;

(6) In making the determinations required by this section, the board shall take into consideration:

(a) Security and safety issues;

(b) The provision of adequate access to licensed sources of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products to discourage purchases from the illegal market; and

(c) Economies of scale, and their impact on licensees' ability to both comply with regulatory requirements and undercut illegal market prices;

(7) Determining the nature, form, and capacity of all containers to be used by licensees to contain cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products, and their labeling requirements;

(8) In consultation with the department of agriculture and the department, establishing classes of cannabis, cannabis concentrates, useable cannabis, and cannabis infused products according to grade, condition, cannabinoid profile, THC concentration, CBD concentration, or other qualitative measurements deemed appropriate by the board;

(9) Establishing reasonable time, place, and manner restrictions and requirements regarding advertising of cannabis, cannabis

concentrates, useable cannabis, and cannabis-infused products that are not inconsistent with the provisions of this chapter, taking into consideration:

(a) Federal laws relating to cannabis that are applicable within Washington state;

(b) Minimizing exposure of people under twenty-one years of age to the advertising;

(c) The inclusion of medically and scientifically accurate information about the health and safety risks posed by cannabis use in the advertising; and

(d) Ensuring that retail outlets with medical cannabis endorsements may advertise themselves as medical retail outlets;

(10) Specifying and regulating the time and periods when, and the manner, methods, and means by which, licensees shall transport and deliver cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products within the state;

(11) In consultation with the department and the department of agriculture, establishing accreditation requirements for testing laboratories used by licensees to demonstrate compliance with standards adopted by the board, and prescribing methods of producing, processing, and packaging cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products produced, processed, packaged, or sold by licensees;

(12) Specifying procedures for identifying, seizing, confiscating, destroying, and donating to law enforcement for training purposes all cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products produced, processed, packaged, labeled, or offered for sale in this state that do not conform in all respects to the standards prescribed by this chapter or the rules of the board.

**Sec. 5.** RCW 69.50.345 and 2022 c 16 s 65 are each amended to read as follows:

The board, subject to the provisions of this chapter, must adopt rules that establish the procedures and criteria necessary to implement the following:

(1) Licensing of cannabis producers, cannabis processors, and cannabis retailers, including prescribing forms and establishing application, reinstatement, and renewal fees.

(a) Application forms for cannabis producers must request the applicant to state whether the applicant intends to produce cannabis for sale by cannabis retailers holding medical cannabis endorsements and the amount of or percentage of canopy the applicant intends to commit to growing plants determined by the department under RCW 69.50.375 to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for cannabis concentrates, useable cannabis, or cannabis-infused products sold to qualifying patients.

(b) The board must reconsider and increase limits on the amount of square feet permitted to be in production on July 24,

2015, and increase the percentage of production space for those cannabis producers who intend to grow plants for cannabis retailers holding medical cannabis endorsements if the cannabis producer designates the increased production space to plants determined by the department under RCW 69.50.375 to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for cannabis concentrates, useable cannabis, or cannabis-infused products to be sold to qualifying patients. If current cannabis producers do not use all the increased production space, the board may reopen the license period for new cannabis producer license applicants but only to those cannabis producers who agree to grow plants for cannabis retailers holding medical cannabis endorsements. Priority in licensing must be given to cannabis producer license applicants who have an application pending on July 24, 2015, but who are not yet licensed and then to new cannabis producer license applicants. After January 1, 2017, any reconsideration of the limits on the amount of square feet permitted to be in production to meet the medical needs of qualifying patients must consider information contained in the medical cannabis authorization database established in RCW 69.51A.230;

(2) ~~((Determining))~~ (a) Except as provided in RCW 69.50.335, determining, in consultation with the office of financial management, the maximum number of retail outlets that may be licensed in each county, taking into consideration:

~~((a))~~ (i) Population distribution;

~~((b))~~ (ii) Security and safety issues;

~~((c))~~ (iii) The provision of adequate access to licensed sources of cannabis concentrates, useable cannabis, and cannabis-infused products to discourage purchases from the illegal market; and

~~((d))~~ (iv) The number of retail outlets holding medical cannabis endorsements necessary to meet the medical needs of qualifying patients. The board must reconsider and increase the maximum number of retail outlets it established before July 24, 2015, and allow for a new license application period and a greater number of retail outlets to be permitted in order to accommodate the medical needs of qualifying patients and designated providers. After January 1, 2017, any reconsideration of the maximum number of retail outlets needed to meet the medical needs of qualifying patients must consider information contained in the medical cannabis authorization database established in RCW 69.51A.230.

(b) (i) In making the determination under (a) of this subsection, the board must consider written input from an incorporated city or town, or county legislative authority when evaluating concerns related to outlet density.

(ii) An incorporated city or town, or county legislative authority, may enact an ordinance prescribing outlet density limitations. An ordinance may not affect licenses issued before the effective date of the ordinance prescribing outlet density limitations.

(iii) The board may adopt rules to identify how local jurisdiction input will be evaluated;

(3) Determining the maximum quantity of cannabis a cannabis producer may have on the premises of a licensed location at any time without violating Washington state law;

(4) Determining the maximum quantities of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products a cannabis processor may have on the premises of a licensed location at any time without violating Washington state law;

(5) Determining the maximum quantities of cannabis concentrates, useable cannabis, and cannabis-infused products a cannabis retailer may have on the premises of a retail outlet at any time without violating Washington state law;

(6) In making the determinations required by this section, the board shall take into consideration:

(a) Security and safety issues;

(b) The provision of adequate access to licensed sources of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products to discourage purchases from the illegal market; and

(c) Economies of scale, and their impact on licensees' ability to both comply with regulatory requirements and undercut illegal market prices;

(7) Determining the nature, form, and capacity of all containers to be used by licensees to contain cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products, and their labeling requirements;

(8) In consultation with the department of agriculture and the department, establishing classes of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products according to grade, condition, cannabinoid profile, THC concentration, CBD concentration, or other qualitative measurements deemed appropriate by the board;

(9) Establishing reasonable time, place, and manner restrictions and requirements regarding advertising of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products that are not inconsistent with the provisions of this chapter, taking into consideration:

(a) Federal laws relating to cannabis that are applicable within Washington state;

(b) Minimizing exposure of people under ~~((twenty-one))~~ 21 years of age to the advertising;

(c) The inclusion of medically and scientifically accurate information about the health and safety risks posed by cannabis use in the advertising; and

(d) Ensuring that retail outlets with medical cannabis endorsements may advertise themselves as medical retail outlets;

(10) Specifying and regulating the time and periods when, and the manner, methods, and means by which, licensees shall transport and deliver cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products within the state;

(11) In consultation with the department and the department of agriculture, prescribing methods of producing, processing, and packaging cannabis, cannabis

concentrates, useable cannabis, and cannabis-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products produced, processed, packaged, or sold by licensees;

(12) Specifying procedures for identifying, seizing, confiscating, destroying, and donating to law enforcement for training purposes all cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products produced, processed, packaged, labeled, or offered for sale in this state that do not conform in all respects to the standards prescribed by this chapter or the rules of the board.

**Sec. 6.** RCW 69.50.101 and 2022 c 16 s 51 are each reenacted and amended to read as follows:

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

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "Board" means the Washington state liquor and cannabis board.

(d) "Cannabis" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination; or

(2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds used for licensed hemp production under chapter 15.140 RCW.

(e) "Cannabis concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ten percent.

(f) "Cannabis processor" means a person licensed by the board to process cannabis into cannabis concentrates, useable cannabis, and cannabis-infused products, package and label cannabis concentrates, useable cannabis, and cannabis-infused

products for sale in retail outlets, and sell cannabis concentrates, useable cannabis, and cannabis-infused products at wholesale to cannabis retailers.

(g) "Cannabis producer" means a person licensed by the board to produce and sell cannabis at wholesale to cannabis processors and other cannabis producers.

(h) "Cannabis products" means useable cannabis, cannabis concentrates, and cannabis-infused products as defined in this section.

(i) "Cannabis researcher" means a person licensed by the board to produce, process, and possess cannabis for the purposes of conducting research on cannabis and cannabis-derived drug products.

(j) "Cannabis retailer" means a person licensed by the board to sell cannabis concentrates, useable cannabis, and cannabis-infused products in a retail outlet.

(k) "Cannabis-infused products" means products that contain cannabis or cannabis extracts, are intended for human use, are derived from cannabis as defined in subsection (d) of this section, and have a THC concentration no greater than ten percent. The term "cannabis-infused products" does not include either useable cannabis or cannabis concentrates.

(l) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(m) "CBD product" means any product containing or consisting of cannabidiol.

(n) "Commission" means the pharmacy quality assurance commission.

(o) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or commission rules, but does not include hemp or industrial hemp as defined in RCW 15.140.020.

(p)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or chapter 69.77 RCW to the extent conduct with

respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(q) "Deliver" or "delivery" means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(r) "Department" means the department of health.

(s) "Designated provider" has the meaning provided in RCW 69.51A.010.

(t) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(u) "Dispenser" means a practitioner who dispenses.

(v) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(w) "Distributor" means a person who distributes.

(x) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of this subsection. The term does not include devices or their components, parts, or accessories.

(y) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(z) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization verbally transmitted by telephone nor a facsimile manually signed by the practitioner.

(aa) "Immature plant or clone" means a plant or clone that has no flowers, is less than twelve inches in height, and is less than twelve inches in diameter.

(bb) "Immediate precursor" means a substance:

(1) that the commission has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(cc) "Isomer" means an optical isomer, but in subsection (gg)(5) of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b) (4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a) (35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(dd) "Lot" means a definite quantity of cannabis, cannabis concentrates, useable cannabis, or cannabis-infused product identified by a lot number, every portion or package of which is uniform within recognized tolerances for the factors that appear in the labeling.

(ee) "Lot number" must identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of cannabis, cannabis concentrates, useable cannabis, or cannabis-infused product.

(ff) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(gg) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in (1) through (7) of this subsection.

(hh) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

(ii) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(jj) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(kk) "Plant" has the meaning provided in RCW 69.51A.010.

(ll) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(mm) "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical commission or equivalent and his or her supervising physician, an advanced registered nurse practitioner licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(nn) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(oo) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(pp) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

(qq) "Recognition card" has the meaning provided in RCW 69.51A.010.

(rr) "Retail outlet" means a location licensed by the board for the retail sale of cannabis concentrates, useable cannabis, and cannabis-infused products.

(ss) "Secretary" means the secretary of health or the secretary's designee.

(tt) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection (tt), along with any additional plan components or requirements approved by the board following consultation with the task force created in RCW 69.50.336. The plan may include:

(1) A statement that indicates how the cannabis licensee will work to promote social equity goals in their community;

(2) A description of how the cannabis licensee will meet social equity goals as defined in RCW 69.50.335;

(3) The composition of the workforce the licensee has employed or intends to hire; and

(4) Business plans involving partnerships or assistance to organizations or residents with connections to populations with a history of high rates of enforcement of cannabis prohibition.

(uu) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

~~((+vv))~~(vv) "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry weight of any part of the plant *Cannabis*, or per volume or weight of cannabis product, or the combined percent of delta-9 tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

~~((+ww))~~(ww) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's

own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

~~((+xx))~~(xx) "Useable cannabis" means dried cannabis flowers. The term "useable cannabis" does not include either cannabis-infused products or cannabis concentrates.

~~((+yy))~~(yy) "Youth access" means the level of interest persons under the age of twenty-one may have in a vapor product, as well as the degree to which the product is available or appealing to such persons, and the likelihood of initiation, use, or addiction by adolescents and young adults.

NEW SECTION. Sec. 7. (1) The joint legislative audit and review committee must review prior canopy studies completed by the liquor and cannabis board and examine whether current levels of cannabis production align with market demand and capacity, including the impact of any additional cannabis producer licenses granted under this act.

(2) The joint legislative audit and review committee must report results of their review to the governor and appropriate committees of the legislature by June 30, 2025.

NEW SECTION. Sec. 8. Section 4 of this act expires July 1, 2024.

NEW SECTION. Sec. 9. Section 5 of this act takes effect July 1, 2024."

Correct the title.

Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Cheney; Morgan; Orwall; Reeves and Waters.

MINORITY recommendation: Without recommendation. Signed by Representatives Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; and Walsh.

Referred to Committee on Appropriations

March 21, 2023

ESSB 5082

Prime Sponsor, State Government & Elections: Encouraging electoral participation and making ballots more meaningful by abolishing advisory votes. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Low.

Referred to Committee on Rules for second reading

March 21, 2023

ESSB 5123 Prime Sponsor, Labor & Commerce: Concerning the employment of individuals who lawfully consume cannabis. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

March 21, 2023

E2SSB 5144 Prime Sponsor, Ways & Means: Providing for responsible environmental management of batteries. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

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

(1) It is in the public interest of the citizens of Washington to encourage the recovery and reuse of materials, such as metals, that replace the output of mining and other extractive industries.

(2) Without a dedicated battery stewardship program, battery user confusion regarding proper disposal options will continue to persist.

(3) Ensuring the proper handling, recycling, and end-of-life management of used batteries prevents the release of toxic materials into the environment and removes materials from the waste stream that, if mishandled, may present safety concerns to workers, such as by igniting fires at solid waste handling facilities. For this reason, batteries should not be placed into commingled recycling containers or disposed of via traditional garbage collection containers.

(4) Jurisdictions around the world have successfully implemented battery stewardship laws that have helped address the challenges posed by the end-of-life management of batteries. Because it is difficult for customers to differentiate between types and chemistries of batteries, it is the best practice for battery stewardship programs to collect all battery types and chemistries. Furthermore, it is appropriate for larger batteries used in emerging market sectors such as electric vehicles, solar power arrays, and data centers, to be managed to ensure environmentally positive outcomes similar to those achieved by a battery stewardship program, both because of the potential economic value of large batteries used for these purposes and the anticipated profusion of these larger batteries as these market sectors mature.

NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout

this chapter unless the context clearly requires otherwise.

(1) (a) "Battery-containing product" means a product that contains or is packaged with rechargeable or primary batteries that are covered batteries.

(b) A "battery-containing product" does not include a covered electronic product under an approved plan implemented under chapter 70A.500 RCW.

(2) "Battery management hierarchy" means a management system of covered batteries prioritized in descending order as follows:

(a) Waste prevention and reduction;

(b) Reuse, when reuse is appropriate;

(c) Recycling, as defined in this chapter; and

(d) Other means of end-of-life management, which may only be utilized after demonstrating to the department that it is not feasible to manage the batteries under the higher priority options in (a) through (c) of this subsection.

(3) "Battery stewardship organization" means a producer that directly implements a battery stewardship plan required under this chapter or a nonprofit organization designated by a producer or group of producers to implement a battery stewardship plan required under this chapter.

(4) "Collection rate" means a percentage, by weight, that a battery stewardship organization collects that is calculated by dividing the total weight of primary and rechargeable batteries collected during the previous calendar year by the average annual weight of primary and rechargeable batteries that were estimated to have been sold in the state by all producers participating in an approved battery stewardship plan during the previous three calendar years.

(5) (a) "Covered battery" means a portable battery or, beginning January 1, 2029, a medium format battery.

(b) "Covered battery" does not include:

(i) A battery contained within a medical device, as specified in Title 21 U.S.C. Sec. 321(h) as it existed as of the effective date of this section, that is not designed and marketed for sale or resale principally to consumers for personal use;

(ii) A battery that contains an electrolyte as a free liquid;

(iii) A lead acid battery weighing greater than 11 pounds;

(iv) A battery subject to the provisions of RCW 70A.205.505 through 70A.205.530; and

(v) A battery in a battery-containing product that is not intended or designed to be easily removable from the battery-containing product.

(6) "Department" means the department of ecology.

(7) "Easily removable" means designed by the manufacturer to be removable by the user of the product with no more than commonly used household tools.

(8) "Environmentally sound management practices" means practices that: (a) Comply with all applicable laws and rules to protect workers, public health, and the environment; (b) provide for adequate recordkeeping, tracking, and documenting of the fate of materials within the state and beyond; and (c) include comprehensive liability coverage for the battery



stewardship organization, including environmental liability coverage that is commercially practicable.

(9) "Final disposition" means the final processing of a collected battery to produce usable end products, at the point where the battery has been reduced to its constituent parts, reusable portions made available for use, and any residues handled as wastes in accordance with applicable law.

(10) "Large format battery" means:

(a) A rechargeable battery that weighs more than 25 pounds or has a rating of more than 2,000 watt-hours; or

(b) A primary battery that weighs more than 25 pounds.

(11) "Medium format battery" means the following primary or rechargeable covered batteries:

(a) For rechargeable batteries, a battery weighing more than 11 pounds or has a rating of more than 300 watt-hours, or both, and no more than 25 pounds and has a rating of no more than 2,000 watt-hours;

(b) For primary batteries, a battery weighing more than 4.4 pounds but not more than 25 pounds.

(12) "Portable battery" means the following primary or rechargeable covered batteries:

(a) For rechargeable batteries, a battery weighing no more than 11 pounds and has a rating of no more than 300 watt-hours;

(b) For primary batteries, a battery weighing no more than 4.4 pounds.

(13) "Primary battery" means a battery that is not capable of being recharged.

(14)(a) "Producer" means the following person responsible for compliance with requirements under this chapter for a covered battery or battery-containing product sold, offered for sale, or distributed in or into this state:

(i) For covered batteries:

(A) If the battery is sold under the brand of the battery manufacturer, the producer is the person that manufactures the battery;

(B) If the battery is sold under a retail brand or under a brand owned by a person other than the manufacturer, the producer is the brand owner;

(C) If there is no person to which (a)(i)(A) or (B) of this subsection applies, the producer is the person that is the licensee of a brand or trademark under which the battery is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state;

(D) If there is no person described in (a)(i)(A) through (C) of this subsection within the United States, the producer is the person who is the importer of record for the battery into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the battery in this state;

(E) If there is no person described in (a)(i)(A) through (D) of this subsection with a commercial presence within the state, the producer is the person who first sells, offers for sale, or distributes the battery in or into this state.

(ii) For covered battery-containing products:

(A) If the battery-containing product is sold under the brand of the product manufacturer, the producer is the person that manufactures the product;

(B) If the battery-containing product is sold under a retail brand or under a brand owned by a person other than the manufacturer, the producer is the brand owner;

(C) If there is no person to which (a)(ii)(A) or (B) of this subsection applies, the producer is the person that is the licensee of a brand or trademark under which the product is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state;

(D) If there is no person described in (a)(ii)(A) through (C) of this subsection within the United States, the producer is the person who is the importer of record for the product into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the product in this state;

(E) If there is no person described in (a)(ii)(A) through (D) of this subsection with a commercial presence within the state, the producer is the person who first sells, offers for sale, or distributes the product in or into this state;

(F) A producer does not include any person who only manufactures, sells, offers for sale, distributes, or imports into the state a battery-containing product if the only batteries used by the battery-containing product are supplied by a producer that has joined a registered battery stewardship organization as the producer for that covered battery under this chapter. For this provision to apply, such a producer of covered batteries that are included in a battery-containing product must provide written certification of that membership to both the producer of the covered battery-containing product and the battery stewardship organization of which the battery producer is a member.

(b) A person is the "producer" of a covered battery or covered battery-containing product sold, offered for sale, or distributed in or into this state, as defined in (a) of this subsection, except where another party has contractually accepted responsibility as a responsible producer and has joined a registered battery stewardship organization as the producer for that covered battery or covered battery-containing product under this chapter.

(15) "Program" means a program implemented by a battery stewardship organization consistent with an approved battery stewardship plan.

(16) "Rechargeable battery" means a battery that contains one or more voltaic or galvanic cells, electrically connected to produce electric energy, designed to be recharged.

(17) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than:

- (a) Combustion;
- (b) Incineration;
- (c) Energy generation;
- (d) Fuel production; or

(e) Beneficial reuse in the construction and operation of a solid waste landfill, including use of alternative daily cover.

(18) "Recycling efficiency rate" means the ratio of the weight of covered battery components and materials recycled by a program operator from covered batteries to the weight of those covered batteries collected by the program operator.

(19) "Retailer" means a person who sells covered batteries or battery-containing products in or into this state or offers or otherwise makes available covered batteries or battery-containing products to a customer, including other businesses, for use by the customer in this state.

(20) "Urban area" means an area delineated by the United States census bureau, based on a minimum threshold of 2,000 housing units or 5,000 people, as of January 1, 2023.

**NEW SECTION. Sec. 3. REQUIREMENT THAT PRODUCERS IMPLEMENT A STEWARDSHIP PLAN.** (1) Beginning January 1, 2027, each producer selling, making available for sale, or distributing covered batteries or battery-containing products in or into the state of Washington shall participate in an approved Washington state battery stewardship plan through participation in and appropriate funding of a battery stewardship organization.

(2) A producer that does not participate in a battery stewardship organization and battery stewardship plan may not sell covered batteries or battery-containing products covered by this chapter in or into Washington.

**NEW SECTION. Sec. 4. ROLE OF RETAILERS.** (1) Beginning July 1, 2027, for portable batteries, and July 1, 2029, for medium format batteries, a retailer may not sell, offer for sale, distribute, or otherwise make available for sale a covered battery or battery-containing product unless the producer of the covered battery or battery-containing product certifies to the retailer that the producer participates in a battery stewardship organization whose plan has been approved by the department.

(2) A retailer is in compliance with the requirements of subsection (1) of this section and is not subject to penalties under section 12 of this act as long as the website made available by the department under section 11 of this act lists, as of the date a product is made available for retail sale, a producer or brand of covered battery or battery-containing product sold by the retailer as being a participant in an approved plan or the implementer of an approved plan.

(3) Retailers of covered batteries or battery-containing products are not required to make retail locations available to serve as collection sites for a stewardship program operated by a battery stewardship organization. Retailers that serve as a collection site must comply with the requirements for collection sites, consistent with section 8 of this act.

(4) A retailer may not sell, offer for sale, distribute, or otherwise make

available for sale covered batteries, unless those batteries are marked consistent with the requirements of section 14 of this act. A producer of a battery-containing product containing a covered battery must certify to the retailers of their product that the battery contained in the battery-containing product is marked consistent with the requirements of section 14 of this act. A retailer may rely on this certification for purposes of compliance under this subsection.

(5) A retailer selling or offering covered batteries or battery-containing products for sale in Washington may provide information, provided to the retailer by the battery stewardship organization, regarding available end-of-life management options for covered batteries collected by the battery stewardship organization. The information that a battery stewardship organization must make available to retailers for voluntary use by retailers must include, but is not limited to, in-store signage, written materials, and other promotional materials that retailers may use to inform customers of the available end-of-life management options for covered batteries collected by the battery stewardship organization.

(6) Retailers, producers, or battery stewardship organizations may not charge a specific point-of-sale fee to consumers to cover the administrative or operational costs of the battery stewardship organization or the battery stewardship program.

**NEW SECTION. Sec. 5. STEWARDSHIP PLAN COMPONENTS.** (1) By July 1, 2026, or within six months of the adoption of rules under section 11 of this act, whichever comes later, each battery stewardship organization must submit a plan for covered portable batteries to the department for approval. Within 24 months of the date of the initial adoption of rules under this chapter by the department, each battery stewardship organization must submit a plan for covered medium format batteries to the department for approval. A battery stewardship organization may submit a plan at any time to the department for review and approval. The department must review and may approve a plan based on whether it contains and adequately addresses the following components:

(a) Lists and provides contact information for each producer, battery brand, and battery-containing product brand covered in the plan;

(b) Proposes performance goals, consistent with section 6 of this act, including establishing performance goals for each of the next three upcoming calendar years of program implementation;

(c) Describes how the battery stewardship organization will make retailers aware of their obligation to sell only covered batteries and battery-containing products of producers participating in an approved plan;

(d) Describes the education and communications strategy being implemented to effectively promote participation in the approved covered battery stewardship program and provide the information necessary for

effective participation of consumers, retailers, and others;

(e) Describes how the battery stewardship organization will make available to retailers, for voluntary use, in-store signage, written materials, and other promotional materials that retailers may use to inform customers of the available end-of-life management options for covered batteries collected by the battery stewardship organization;

(f) A list of promotional activities to be undertaken, and the identification of consumer awareness goals and strategies that the program will employ to achieve these goals after the program begins to be implemented;

(g) Includes collection site safety training procedures related to covered battery collection activities at collection sites, including appropriate protocols to reduce risks of spills or fires and response protocols in the event of a spill or fire, and a protocol for safe management of damaged batteries that are returned to collection sites;

(h) A description of the method to establish and administer a means for fully funding the program in a manner that equitably distributes the program's costs among the producers that are part of the battery stewardship organization. For producers that elect to meet the requirements of this chapter individually, without joining a battery stewardship organization, a description of the proposed method to establish and administer a means for fully funding the program;

(i) A description of the financing methods used to implement the plan, consistent with section 7 of this act, including how producer fees and fee modulation will incorporate design for recycling and resource conservation as objectives, and a template reimbursement agreement, developed in consultation with local governments and other program stakeholders;

(j) A description of how the program will collect all covered battery chemistries and brands on a free, continuous, convenient, visible, and accessible basis, and consistent with the requirements of section 8 of this act, including a description of how the statewide convenience standard will be met and a list of collection sites, including the address and latitude and longitude of collection sites;

(k) A description of the criteria to be used in the program to determine whether an entity may serve as a collection site for discarded batteries under the program;

(l) Collection goals for each of the first three years of implementation of the battery stewardship plan that are based on the estimated total weight of primary and rechargeable covered batteries that have been sold in the state in the previous three calendar years by the producers participating in the battery stewardship plan;

(m) Identification of proposed brokers, transporters, processors, and facilities to be used by the program for the final disposition of batteries and how collected batteries will be managed in:

(i) An environmentally sound and socially just manner at facilities operating with human health and environmental protection standards that are broadly equivalent to or better than those required in the United States and other countries that are members of the battery stewardship organization for economic cooperation and development; and

(ii) A manner consistent with the battery management hierarchy, including how each proposed facility used for the final disposition of batteries will recycle or otherwise manage batteries;

(n) Details how the program will achieve a recycling efficiency rate, calculated consistent with section 10 of this act, of at least 60 percent for rechargeable batteries and at least 70 percent for primary batteries; and

(o) Proposes goals for increasing public awareness of the program, including subgoals applicable to public awareness of the program in vulnerable populations and overburdened communities identified by the department under chapter 70A.02 RCW, and describes how the public education and outreach components of the program under section 9 of this act will be implemented.

(2) If required by the department, a battery stewardship organization must submit a new plan to the department for approval:

(a) If there are significant changes to the methods of collection, transport, or end-of-life management of covered batteries under section 8 of this act that are not covered by the plan. The department may, by rule, identify the types of significant changes that require a new plan to be submitted to the department for approval. For purposes of this subsection, adding or removing a processor or transporter under the plan is not considered a significant change that requires a plan resubmittal;

(b) To address the novel inclusion of medium format batteries or large format batteries as covered batteries under the plan; and

(c) No less than every five years.

(3) If required by the department, a battery stewardship organization must provide plan amendments to the department for approval:

(a) When proposing changes to the performance goals under section 6 of this act based on the up-to-date experience of the program;

(b) When there is a change to the method of financing plan implementation under section 7 of this act. This does not include changes to the fees or fee structure established in the plan; or

(c) When adding or removing a processor or transporter, as part of a quarterly update submitted to the department.

(4) As part of a quarterly update, a battery stewardship organization must notify the department after a producer begins or ceases to participate in a battery stewardship organization. The quarterly update submitted to the department must also include a current list of the producers and brands participating in the plan.

(5) No earlier than five years after the initial approval of a plan, the department may require a battery stewardship organization to submit a revised plan, which

may include improvements to the collection site network or increased expenditures dedicated to education and outreach if the approved plan has not met the performance goals under section 6 of this act.

**NEW SECTION. Sec. 6. STEWARDSHIP PROGRAM COMPONENTS—PERFORMANCE GOALS.** (1) Each battery stewardship plan must include performance goals that measure, on an annual basis, the achievements of the program. Performance goals must take into consideration technical feasibility and economic practicality in achieving continuous, meaningful progress in improving:

(a) The rate of battery collection for recycling in Washington;

(b) The recycling efficiency of the program; and

(c) Public awareness of the program.

(2) The performance goals established in each battery stewardship plan must include, but are not limited to:

(a) Target collection rates;

(b) Target recycling efficiency rates of at least 60 percent for rechargeable batteries and at least 70 percent for primary batteries; and

(c) Goals for public awareness, convenience, and accessibility that meet or exceed the minimum requirements established in section 8 of this act.

**NEW SECTION. Sec. 7. STEWARDSHIP PROGRAM COMPONENTS—FUNDING.** (1) Each battery stewardship organization must ensure adequate funding is available to fully implement approved battery stewardship plans, including the implementation of aspects of the plan addressing:

(a) Battery collection, transporting, and processing;

(b) Education and outreach;

(c) Program evaluation; and

(d) Payment of the administrative fees to the department under section 11 of this act.

(2) A battery stewardship organization implementing a battery stewardship plan on behalf of producers must develop, and continually improve over the years of program implementation, a system to collect charges from participating producers to cover the costs of plan implementation in an environmentally sound and socially just manner that encourages the use of design attributes that reduce the environmental impacts of covered batteries, such as through the use of eco-modulated fees. Examples of fee structures that meet the requirements of this subsection include using eco-modulated fees to:

(a) Encourage designs intended to facilitate reuse and recycling;

(b) Encourage the use of recycled content;

(c) Discourage the use of problematic materials that increase system costs of managing covered batteries; and

(d) Encourage other design attributes that reduce the environmental impacts of covered batteries.

(3) (a) Each battery stewardship organization is responsible for all costs of

participating covered battery collection, transportation, processing, education, administration, agency reimbursement, recycling, and end-of-life management in accordance with the battery management hierarchy and environmentally sound management practices.

(b) Each battery stewardship organization must meet the collection goals as specified in section 5 of this act.

(c) A battery stewardship organization is not authorized to reduce or cease collection, education and outreach, or other activities implemented under an approved plan based on achievement of program performance goals.

(4) (a) A battery stewardship organization must reimburse local governments for demonstrable costs, as defined by rules adopted by the department, incurred as a result of a local government facility or solid waste handling facility serving as a collection site for a program including, but not limited to, associated labor costs and other costs associated with accessibility and collection site standards such as storage.

(b) A battery stewardship organization shall at a minimum provide collection sites with appropriate containers for covered batteries subject to its program, training, signage, safety guidance, and educational materials, at no cost to the collection sites.

(c) A battery stewardship organization must include in its battery stewardship plan a template of the service agreement and any other forms, contracts, or other documents for use in distribution of reimbursements. The service agreement template must be developed with local government input. The entities seeking or receiving reimbursement from the battery stewardship organization are not required to use the template agreement included in the program plan and are not limited to the terms of the template agreement included in the program plan.

**NEW SECTION. Sec. 8. STEWARDSHIP PROGRAM COMPONENTS—COLLECTION AND MANAGEMENT REQUIREMENTS.** (1) Battery stewardship organizations implementing a battery stewardship plan must provide for the collection of all covered batteries, including all chemistries and brands of covered batteries, on a free, continuous, convenient, visible, and accessible basis to any person, business, government agency, or nonprofit organization. Except as provided in subsection (2)(b) of this section, each battery stewardship plan must allow any person, business, government agency, or nonprofit organization to discard each chemistry and brand of covered battery at each collection site that counts towards the satisfaction of the collection site criteria in subsection (3) of this section.

(2) (a) For each collection site utilized by the program, each battery stewardship organization must provide suitable collection containers for covered batteries that are segregated from other solid waste or make mutually agreeable alternative arrangements for the collection of batteries at the site. The location of collection

containers at each collection site used by the program must be within view of a responsible person and must be accompanied by signage made available to the collection site by the battery stewardship organization that informs customers regarding the end-of-life management options for batteries provided by the collection site under this chapter. Each collection site must adhere to the operations manual and other safety information provided to the collection site by the battery stewardship organization.

(b) Medium format batteries may only be collected at household hazardous waste collection sites or other sites that are staffed by persons who are certified to handle and ship hazardous materials under federal regulations adopted by the United States department of transportation pipeline and hazardous materials safety administration.

(c)(i) Damaged and defective batteries are intended to be collected at collection sites staffed by persons trained to handle and ship those batteries.

(ii) Each battery stewardship organization must provide for collection of damaged and defective batteries in each county of the state, either through collection sites or collection events with qualified staff as specified in (c)(i) of this subsection. Collection events should be provided periodically throughout the year where practicable, but must be provided at least once per year at a minimum, in each county in which there are not permanent collection sites providing for the collection of damaged and defective batteries.

(iii) As used in this subsection, "damaged and defective batteries" means batteries that have been damaged or identified by the manufacturer as being defective for safety reasons, that have the potential of producing a dangerous evolution of heat, fire, or short circuit, as referred to in 49 C.F.R. Sec. 173.185(f) as of January 1, 2023, or as updated by the department by rule to maintain consistency with federal standards.

(3)(a) Each battery stewardship organization implementing a battery stewardship plan shall ensure statewide collection opportunities for all covered batteries. Battery stewardship organizations shall coordinate activities with other program operators, including covered battery collection and recycle programs and electronic waste recyclers, with regard to the proper management or recycling of collected covered batteries, for purposes of providing the efficient delivery of services and avoiding unnecessary duplication of effort and expense. Statewide collection opportunities must be determined by geographic information modeling that considers permanent collection sites. A program may rely, in part, on collection events to supplement the permanent collection services required in (a) and (b) of this subsection. However, only permanent collection services specified in (a) and (b) of this subsection qualify towards the satisfaction of the requirements of this subsection.

(b) For portable batteries, each battery stewardship organization must provide statewide collection opportunities that include, but are not limited to, the provision of:

(i) At least one permanent collection site for portable batteries within a 15 mile radius for at least 95 percent of Washington residents;

(ii) The establishment of collection sites that are accessible and convenient to overburdened communities identified by the department under chapter 70A.02 RCW, in an amount that is roughly proportional to the number and population of overburdened communities identified by the department under chapter 70A.02 RCW relative to the population or size of the state as a whole;

(iii) At least one permanent collection site for portable batteries in addition to those required in (b)(i) of this subsection for every 30,000 residents of each urban area in this state. For the purposes of compliance with this subsection (3)(b)(iii), a battery stewardship organization and the department may rely upon new or updated designations of urban locations by the United States census bureau that are determined by the department to be similar to the definition of urban areas in section 2 of this act;

(iv) Collection opportunities for portable batteries at special locations where batteries are often spent and replaced, such as supervised locations at parks with stores and campgrounds; and

(v) Service to areas without a permanent collection site, including service to island and geographically isolated communities without a permanent collection site.

(c) For medium format batteries, a battery stewardship organization must provide statewide collection opportunities that include, but are not limited to, the provision of:

(i) At least 25 permanent collection sites in Washington;

(ii) Reasonable geographic dispersion of collection sites throughout the state;

(iii) A collection site in each county of at least 200,000 persons, as determined by the most recent population estimate of the office of financial management;

(iv) The establishment of collection sites that are accessible to public transit and that are convenient to overburdened communities identified by the department under chapter 70A.02 RCW; and

(v) Service to areas without a permanent collection site, including service to island and geographically isolated communities. A battery stewardship organization must ensure that there is a collection site or annual collection event in each county of the state. Collection events should be provided periodically throughout the year where practicable, but must be provided at least once per year at a minimum in each county in which there are not permanent collection sites providing for the collection of damaged and defective batteries.

(4)(a) Battery stewardship programs must use existing public and private waste collection services and facilities, including battery collection sites that are established through other battery collection

services, transporters, consolidators, processors, and retailers, where cost-effective, mutually agreeable, and otherwise practicable.

(b)(i) Battery stewardship programs must use as a collection site for covered batteries any retailer, wholesaler, municipality, solid waste management facility, or other entity that meets the criteria for collection sites in the approved plan, upon the submission of a request by the entity to the battery stewardship organization to serve as a collection site.

(ii) Battery stewardship programs must use as a site for a collection event for covered batteries any retailer, wholesaler, municipality, solid waste management facility, or other entity that meets the criteria for collection events in the approved plan, upon the submission of a request by the entity to the battery stewardship organization to serve as a site for a collection event. An agreement between a battery stewardship organization and the entity requesting to hold a collection event must be established at least 60 days prior to any collection of covered batteries under a stewardship program. All costs associated with collection events initiated by an entity other than a battery stewardship organization are the sole responsibility of the entity unless otherwise agreed upon by a battery stewardship organization. A collection event under this subsection (4)(b)(ii) must allow any person to discard each chemistry and brand of covered battery at the collection event.

(c) An entity that operates a temporary collection event for a stewardship program may retain collected materials if the collected materials are collected, transported, and processed at the expense of the entity and in a manner that meet the standards established for the battery stewardship organization in the plan approved by the department, including processing of collected materials at a facility approved under the battery stewardship organization plan. An entity that retains collected materials must report, to the battery stewardship organization, information necessary for the battery stewardship organization to fulfill its reporting obligations under section 10 of this act. A battery stewardship organization may count materials collected by an entity under this subsection (4)(c) towards the achievement of performance requirements established in section 6 of this act.

(d) A local government facility may collect batteries through a collection site or temporary collection event that is not a collection site or event under the program implemented by a battery stewardship organization. A local government facility that collects covered batteries under this subsection must collect each chemistry and brand of covered battery at its collection site or sites, and must collect, transport, and process collected materials in a manner that meets the standards established for the battery stewardship organization in the plan approved by the department. A local government facility that collects materials

at a collection site or temporary collection event operating outside of a battery stewardship program must report, to a battery stewardship organization, information necessary for the battery stewardship organization to fulfill its reporting obligations under section 10 of this act. A battery stewardship organization may count materials collected by a local government facility under this subsection (4)(d) towards the achievement of performance requirements established in section 6 of this act.

(e) A battery stewardship organization may suspend or terminate a collection site or service that does not adhere to the collection site criteria in the approved plan and that poses an immediate health and safety concern.

(5)(a) Stewardship programs are not required to provide for the collection of battery-containing products.

(b) Stewardship programs are not required to provide for the collection of batteries that:

(i) Are not easily removable from the product other than by the manufacturer; and

(ii) Remain contained in a battery-containing product at the time of delivery to a collection site.

(c) Stewardship programs are required to provide for the collection of loose batteries.

(d) Stewardship programs are not required to provide for the collection of batteries still contained in covered electronic products under chapter 70A.500 RCW.

(6) Batteries collected by the program must be managed consistent with the battery management hierarchy. Lower priority end-of-life battery management options on the battery management hierarchy may be used by a program only when a battery stewardship organization documents to the department that all higher priority battery management options on the battery management hierarchy are not technologically feasible or economically practical.

**NEW SECTION. Sec. 9. STEWARDSHIP PROGRAM COMPONENTS—EDUCATION AND OUTREACH REQUIREMENTS.** (1) Each battery stewardship organization must carry out promotional activities in support of plan implementation including, but not limited to, the development:

(a) And maintenance of a website;

(b) And distribution of periodic press releases and articles;

(c) And placement of advertisements for use on social media or other relevant media platforms;

(d) Of promotional materials about the program and the restriction on the disposal of covered batteries in section 15 of this act to be used by retailers, government agencies, and nonprofit organizations;

(e) And distribution of collection site safety training procedures that are in compliance with state law to collection sites to help ensure proper management of covered batteries at collection sites; and

(f) And implementation of outreach and educational resources targeted to overburdened communities and vulnerable

populations identified by the department under chapter 70A.02 RCW that are conceptually, linguistically, and culturally accurate for the communities served and reach the state's diverse ethnic populations, including through meaningful consultation with communities that bear disproportionately higher levels of adverse environmental and social justice impacts.

(2) Each battery stewardship organization must provide:

(a) Consumer-focused educational promotional materials to each collection site used by the program and accessible by customers of retailers that sell covered batteries or battery-containing products; and

(b) Safety information related to covered battery collection activities to the operator of each collection site, including appropriate protocols to reduce risks of spills or fires and response protocols in the event of a spill or fire.

(3) (a) Each battery stewardship organization must provide educational materials to the operator of each collection site for the management of recalled batteries, which are not intended to be part of collection as provided under section 8 of this act, to help facilitate transportation and processing of recalled batteries.

(b) A battery stewardship organization may seek reimbursement from the producer of the recalled battery for expenses incurred in the collection, transportation, or processing of those batteries.

(4) Upon request by a retailer, the battery stewardship organization must provide the retailer educational materials describing collection opportunities for batteries.

(5) If multiple battery stewardship organizations are implementing plans approved by the department, the battery stewardship organizations must coordinate in carrying out their education and outreach responsibilities under this section and must include in their annual reports to the department under section 10 of this act a summary of their coordinated education and outreach efforts.

(6) During the first year of program implementation and every five years thereafter, each battery stewardship organization must carry out a survey of public awareness regarding the requirements of the program established under this chapter, including the provisions of section 15 of this act. Each battery stewardship organization must share the results of the public awareness surveys with the department.

**NEW SECTION. Sec. 10. REPORTING REQUIREMENTS.** (1) By June 1, 2028, and each June 1st thereafter, each battery stewardship organization must submit an annual report to the department covering the preceding calendar year of battery stewardship plan implementation. The report must include:

(a) An independent financial assessment of a program implemented by the battery stewardship organization, including a breakdown of the program's expenses, such as

collection, recycling, education, and overhead, when required by the department;

(b) A summary financial statement documenting the financing of a battery stewardship organization's program and an analysis of program costs and expenditures, including an analysis of the program's expenses, such as collection, transportation, recycling, education, and administrative overhead. The summary financial statement must be sufficiently detailed to provide transparency that funds collected from producers as a result of their activities in Washington are spent on program implementation in Washington. Battery stewardship organizations implementing similar battery stewardship programs in multiple states may submit a financial statement including all covered states, as long as the statement breaks out financial information pertinent to Washington;

(c) The weight, by chemistry, of covered batteries collected under the program;

(d) The weight of materials recycled from covered batteries collected under the program, in total, and by method of battery recycling;

(e) A calculation of the recycling efficiency rates, as measured consistent with subsection (2) of this section;

(f) For each facility used for the final disposition of batteries, a description of how the facility recycled or otherwise disposed of batteries and battery components;

(g) The weight and chemistry of batteries sent to each facility used for the final disposition of batteries. The information in this subsection (1)(g) may be approximated for program operations in Washington based on extrapolations of national or regional data for programs in operation in multiple states;

(h) The collection rate achieved under the program, including a description of how this collection rate was calculated;

(i) The estimated aggregate sales, by weight and chemistry, of batteries and batteries contained in or with battery-containing products sold in Washington by participating producers for each of the previous three calendar years;

(j) A description of the manner in which the collected batteries were managed and recycled, including a discussion of best available technologies and the recycling efficiency rate;

(k) A description of education and outreach efforts supporting plan implementation including, but not limited to, a summary of education and outreach provided to consumers, collection sites, manufacturers, distributors, and retailers by the program operator for the purpose of promoting the collection and recycling of covered batteries, a description of how that education and outreach met the requirements of section 9 of this act, samples of education and outreach materials, a summary of coordinated education and outreach efforts with any other battery stewardship organizations implementing a plan approved by the department, and a summary of any changes made during the previous calendar year to education and outreach activities;

(l) A list of all collection sites and accompanying latitude and longitude data and an address for each listed site, and an up-to-date map indicating the location of all collection sites used to implement the program, with links to appropriate websites where there are existing websites associated with a site;

(m) A description of methods used to collect, transport, and recycle covered batteries by the battery stewardship organization;

(n) A summary on progress made towards the program performance goals established under section 6 of this act, and an explanation of why performance goals were not met, if applicable; and

(o) An evaluation of the effectiveness of education and outreach activities.

(2) The weight of batteries or recovered resources from those batteries must only be counted once and may not be counted by more than one battery stewardship organization.

(3) In addition to the requirements of subsection (1) of this section, with respect to each facility used in the processing or disposition of batteries collected under the program, the battery stewardship organization must report:

(a) Whether the facility is located domestically, in an organization for economic cooperation and development country, or in a country that meets organization for economic cooperation and development operating standards; and

(b) What facilities processed the batteries, including a summary of any violations of environmental or labor laws and regulations over the previous three years at each facility.

(4) If a battery stewardship organization has disposed of covered batteries through energy recovery, incineration, or landfilling during the preceding calendar year of program implementation, the annual report must specify the steps that the battery stewardship organization will take to make the recycling of covered batteries cost-effective, where possible, or to otherwise increase battery recycling rates achieved by the battery stewardship organization.

(5) A producer or battery stewardship organization that submits information or records to the department under this chapter may request that the information or records be made available only for the confidential use of the department, the director of the department, or the appropriate division of the department. The director of the department must consider the request and if this action is not detrimental to the public interest and is otherwise in accordance with the policies and purposes of chapter 43.21A RCW, the director must grant the request for the information to remain confidential as authorized in RCW 43.21A.160.

**NEW SECTION. Sec. 11. FEE AND DEPARTMENT OF ECOLOGY ROLE.** (1) The department must adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter. The department must by rule establish fees, to be paid annually by a battery stewardship

organization, that are adequate to cover the department's full costs of implementing, administering, and enforcing this chapter and allocates costs between battery stewardship organizations, if applicable. If the department adopts rules that require producers of certain large format batteries or other battery categories addressed in sections 16 and 17 of this act to participate in a battery stewardship organization regulated by the department, the department may establish fees to be paid annually by a battery stewardship organization that are adequate to cover the department's full costs of implementing, administering, and enforcing the requirements of this chapter applicable to those batteries. All fees must be based on costs related to implementing, administering, and enforcing this chapter, not to exceed expenses incurred by the department for these activities.

(2) The responsibilities of the department in implementing, administering, and enforcing this chapter include, but are not limited to:

(a) Reviewing submitted stewardship plans and plan amendments and making determinations as to whether to approve the plan or plan amendment;

(i) The department must provide a letter of approval for the plan or plan amendment if it provides for the establishment of a stewardship program that meets the requirements of sections 3 through 9 of this act;

(ii) If a plan or plan amendment is rejected, the department must provide the reasons for rejecting the plan to the battery stewardship organization. The battery stewardship organization must submit a new plan within 60 days after receipt of the letter of disapproval; and

(iii) When a plan or an amendment to an approved plan is submitted under this section, the department shall make the proposed plan or amendment available for public review and comment for at least 30 days;

(b) Reviewing annual reports submitted under section 10 of this act within 90 days of submission to ensure compliance with that section;

(c)(i) Maintaining a website that lists producers and their brands that are participating in an approved plan, and that makes available to the public each plan, plan amendment, and annual report received by the department under this chapter;

(ii) Upon the date the first plan is approved, the department must post on its website a list of producers and their brands for which the department has approved a plan. The department must update the list of producers and brands participating under an approved program plan based on information provided to the department from battery stewardship organizations; and

(d) Providing technical assistance to producers and retailers related to the requirements of this chapter and issuing orders or imposing civil penalties authorized under section 12 of this act where the technical assistance efforts do not lead to compliance by a producer or retailer.



(3) Beginning January 1, 2032, and every five years thereafter, after consultation with battery stewardship organizations, the department may by rule increase the minimum recycling efficiency rates established in section 6 of this act based on the most economically and technically feasible processes and methodology available.

**NEW SECTION. Sec. 12. PENALTIES AND CIVIL ACTION PROVISIONS.** (1)(a) A battery stewardship organization implementing an approved plan may bring a civil action or actions to recover costs, damages, and fees, as specified in this section, from a producer who sells or otherwise makes available in Washington covered batteries, battery-containing products, or large format batteries not included in an approved plan in violation of the requirements of this chapter. An action under this section may be brought against one or more defendants. An action may only be brought against a defendant producer when the stewardship program incurs costs in Washington, including reasonable incremental administrative and program promotional costs, in excess of \$1,000 to collect, transport, and recycle or otherwise dispose of the covered batteries, battery-containing products, or large format batteries of a nonparticipating producer.

(b) A battery stewardship organization may bring a civil action against a producer of a recalled battery to recover costs associated with handling a recalled battery.

(c) A battery stewardship organization implementing an approved stewardship plan may bring a civil action against another battery stewardship organization that under performs on its battery collection obligations under this chapter by failing to collect and provide for the end-of-life management of batteries in an amount roughly equivalent to costs imposed on the plaintiff battery stewardship organization by virtue of the failures of the defendants, plus legal fees and expenses.

(d) The remedies provided in this subsection are in addition to the enforcement authority of the department and do not limit and are not limited by a decision by the department to impose a civil penalty or issue an order under subsection (2) of this section. The department is not required to audit, participate in, or provide assistance to a battery stewardship organization pursuing a civil action authorized under this subsection.

(2)(a) The department may administratively impose a civil penalty on a person who violates this chapter in an amount of up to \$1,000 per violation per day.

(b) The department may administratively impose a civil penalty of up to \$10,000 per violation per day on a person for repeated violations of this chapter or failure to comply with an order issued under (c) of this subsection.

(c) Whenever on the basis of any information the department determines that a person has violated or is in violation of this chapter, the department may issue an order requiring compliance. A person who

fails to take corrective action as specified in a compliance order is liable for a civil penalty as provided in (b) of this subsection, without receiving a written warning prescribed in (e) of this subsection.

(d) A person who is issued an order or incurs a penalty under this section may appeal the order or penalty to the pollution control hearings board established by chapter 43.21B RCW.

(e) Prior to imposing penalties under this section, the department must provide a producer, retailer, or battery stewardship organization with a written warning for the first violation by the producer, retailer, or battery stewardship organization of the requirements of this chapter. The written warning must inform a producer, retailer, or battery stewardship organization that it must participate in an approved plan or otherwise come into compliance with the requirements of this chapter within 30 days of the notice. A producer, retailer, or battery stewardship organization that violates a provision of this chapter after the initial written warning may be assessed a penalty as provided in this subsection.

(3) Penalties levied under subsection (2) of this section must be deposited in the model toxics control operating account created in RCW 70A.305.180.

(4) No penalty may be assessed on an individual or resident for the improper disposal of covered batteries as described in section 15 of this act in a noncommercial or residential setting.

**NEW SECTION. Sec. 13. RESPONSIBLE BATTERY MANAGEMENT ACCOUNT.** The responsible battery management account is created in the custody of the state treasurer. All receipts from fees paid under this chapter must be deposited in the account. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Moneys in the account may be used solely by the department for administering, implementing, and enforcing the requirements of this chapter. Funds in the account may not be diverted for any purpose or activity other than those specified in this section.

**NEW SECTION. Sec. 14. MARKING REQUIREMENTS FOR BATTERIES.** (1) Beginning January 1, 2028, a producer or retailer may only sell, distribute, or offer for sale in or into Washington a large format battery, covered battery, or battery-containing product that contains a battery that is designed or intended to be easily removable from the product, if the battery is:

(a) Marked with an identification of the producer of the battery, unless the battery is less than one-half inch in diameter or does not contain a surface whose length exceeds one-half inch; and

(b) Beginning January 1, 2030, marked with proper labeling to ensure proper collection and recycling, by identifying the chemistry of the battery and including an

indication that the battery should not be disposed of as household waste.

(2) A producer shall certify to its customers, or to the retailer if the retailer is not the customer, that the requirements of this section have been met, as provided in section 4 of this act.

(3) The department may amend, by rule, the requirements of subsection (1) of this section to maintain consistency with the labeling requirements or voluntary standards for batteries established in federal law.

**NEW SECTION. Sec. 15. GENERAL BATTERY DISPOSAL AND COLLECTION REQUIREMENTS.** Effective July 1, 2027, for portable batteries and July 1, 2029, for medium format batteries, or the first date on which an approved plan begins to be implemented under this chapter by a battery stewardship organization, whichever comes first:

(1) All persons must dispose of unwanted covered batteries through one of the following disposal options:

(a) Disposal using the collection sites established by or included in the programs created by this chapter;

(b) For covered batteries generated by persons that are regulated generators of covered batteries under federal or state hazardous or solid waste laws, disposal in a manner consistent with the requirements of those laws; or

(c) Disposal using local government collection facilities that collect batteries consistent with section 8(4)(d) of this act.

(2)(a) A fee may not be charged at the time unwanted covered batteries are delivered or collected for management.

(b) All covered batteries may only be collected, transported, and processed in a manner that meets the standards established for a battery stewardship organization in a plan approved by the department, unless the batteries are being managed as described in subsection (1)(b) of this section.

(3) A person may not place covered batteries in waste containers for disposal at incinerators, waste to energy facilities, or landfills.

(4) A person may not place covered batteries in or on a container for mixed recyclables unless there is a separate location or compartment for the covered battery that complies with local government collection standards or guidelines.

(5) An owner or operator of a solid waste facility may not be found in violation of this section if the facility has posted in a conspicuous location a sign stating that covered batteries must be managed through collection sites established by a battery stewardship organization and are not accepted for disposal.

(6) A solid waste collector may not be found in violation of this section for a covered battery placed in a disposal container by the generator of the covered battery.

**NEW SECTION. Sec. 16. DEPARTMENT ASSESSMENT OF LARGE FORMAT BATTERIES, MEDICAL DEVICES, LEAD ACID BATTERIES, AND BATTERY-CONTAINING PRODUCTS AND THEIR BATTERIES.** (1) By July 1, 2027, the

department must complete an assessment of the opportunities and challenges associated with the end-of-life management of batteries that are not covered batteries, including:

(a) Large format batteries;

(b) Lead acid batteries that are greater than 11 pounds or are subject to the provisions of RCW 70A.205.505 through 70A.205.530;

(c) Batteries contained in medical devices, as specified in Title 21 U.S.C. Sec. 360c as it existed as of the effective date of this section; and

(d) Batteries not intended or designed to be easily removed by a customer that are contained in battery-containing products, including medical devices, and in electronic products that are not covered electronic products managed under an approved plan implemented under chapter 70A.500 RCW.

(2) The department must consult with the department of commerce and interested stakeholders in completing the assessment, including consultation with overburdened communities and vulnerable populations identified by the department under chapter 70A.02 RCW. The assessment must identify any needed adjustments to the stewardship program requirements established in this chapter that are necessary to maximize public health, safety, and environmental benefits, such as battery reuse.

(3) The assessment must consider:

(a) The different categories and uses of batteries and battery-containing products listed in subsection (1) of this section;

(b) The current economic value and reuse or recycling potential of large format batteries or large format battery components and a summary of studies examining the environmental and equity implications of displacing demand for new rare earth materials, critical materials, and other conflict materials through the reuse and recycling of batteries;

(c) The current methods by which unwanted batteries and battery-containing products listed in subsection (1) of this section are managed in Washington and nearby states and provinces;

(d) Challenges posed by the potential collection, management, and transport of batteries and battery-containing products listed in subsection (1) of this section, including challenges associated with removing batteries that were not intended or designed to be easily removable from products, other than by the manufacturer; and

(e) Which criteria of this chapter should apply to batteries and battery-containing products listed in subsection (1) of this section in a manner that is identical or analogous to the requirements applicable to covered batteries.

(4) By October 1, 2027, the department must submit a report to the appropriate committees of the legislature containing the findings of the assessment required in this section.

**NEW SECTION. Sec. 17. DEPARTMENT OF ECOLOGY RULE MAKING TO REQUIRE THE ESTABLISHMENT OF STEWARDSHIP PROGRAM PARTICIPATION REQUIREMENTS FOR LARGE FORMAT**

BATTERIES, MEDICAL DEVICES, LEAD ACID BATTERIES, AND BATTERY-CONTAINING PRODUCTS AND THEIR BATTERIES. (1) By January 1, 2030, the department may, but is not required to, adopt rules that require producers of batteries and battery-containing products assessed in section 16 of this act to participate in a stewardship program that achieves environmentally positive outcomes similar to those achieved by a battery stewardship program for medium format and portable batteries. As part of this rule, the department may apply some or all of the provisions of section 15 of this act to these batteries and battery-containing products. Nothing in this subsection restricts the department from adopting or updating rules after January 1, 2030, provided that the department has adopted rules under this section prior to January 1, 2030.

(2) Any rules adopted by the department under this section must require producers of batteries and battery-containing products assessed in section 16 of this act to participate in a stewardship program by no earlier than July 1, 2031.

(3) In adopting rules, the department must consider the results of the assessment required under section 16 of this act and involve the expertise of the department's recycling development center created in chapter 70A.240 RCW.

(4) The department must delay or exclude categories of batteries or battery-containing products, including categories of large format batteries and batteries that are excluded from the definition of a covered battery in section 2 of this act, based on the results of the assessment required under section 16 of this act, from stewardship program requirements, if the department determines that stewardship program requirements are infeasible for a category of batteries or battery-containing products because:

(a) An existing industry or other battery management system exists for the battery or battery-containing product category covered by the assessment in section 16 of this act that currently attains a rate of collection that exceeds 95 percent of the number of that category of batteries sold in Washington each year, and the existing battery management system processes the batteries using environmentally sound management practices; or

(b) A delay or exclusion from program participation requirements is necessary to protect human health or the environment.

(5) The department must exclude from any rules adopted by the department under this section any large format batteries contained in or originating from electric vehicles if, by July 1, 2030, electric vehicle batteries are managed under state law in a manner that achieves similar outcomes to the program created in this chapter.

(6) In addition to the exemptions established in subsections (4) and (5) of this section, the department may exclude producers from some or all of the stewardship program requirements under the rules adopted by the department, based on other factors determined by the department.

NEW SECTION. **Sec. 18.** DEPARTMENT OF ECOLOGY RECOMMENDATIONS FOR MANAGEMENT OF ELECTRIC VEHICLE BATTERIES. (1) By November 30, 2023, the department of ecology must submit a report to the appropriate committees of the legislature on preliminary policy recommendations for the collection and management of electric vehicle batteries. By April 30, 2024, the department of ecology must report to the appropriate committees of the legislature on final policy recommendations for the collection and management of electric vehicle batteries.

(2) In developing the recommendations under subsection (1) of this section, the department of ecology must:

(a) Solicit input from representatives of automotive wrecking and salvage yards, solid waste collection and processing companies, local governments, environmental organizations, electric vehicle manufacturers, and any other interested parties; and

(b) Examine best practices in other states and jurisdictions.

NEW SECTION. **Sec. 19.** ANTITRUST. Producers or battery stewardship organizations acting on behalf of producers that prepare, submit, and implement a battery stewardship program plan pursuant to this chapter and who are thereby subject to regulation by the department are granted immunity from state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade and commerce, for the limited purpose of planning, reporting, and operating a battery stewardship program, including:

(1) The creation, implementation, or management of a battery stewardship organization and any battery stewardship plan regardless of whether it is submitted, denied, or approved;

(2) The determination of the cost and structure of a battery stewardship plan; and

(3) The types or quantities of batteries being recycled or otherwise managed pursuant to this chapter.

NEW SECTION. **Sec. 20.** AUTHORITY OF THE UTILITIES AND TRANSPORTATION COMMISSION. Nothing in this chapter changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this chapter change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

**Sec. 21.** RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and

wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 12 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, section 12 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 22.** RCW 43.21B.300 and 2022 c 180 s 813 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 12 of this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within 30 days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the

hearings board and served on the department or authority 30 days after the date of receipt by the person penalized of the notice imposing the penalty or 30 days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) (~~(Thirty)~~)30 days after receipt of the notice imposing the penalty;

(b) (~~(Thirty)~~)30 days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) (~~(Thirty)~~)30 days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within 30 days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW 70A.300.090 and section 12 of this act, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be credited to the climate investment account created in RCW 70A.65.250, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

**NEW SECTION. Sec. 23.** A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to the receipts of a battery stewardship organization formed under chapter 70A.---RCW (the new chapter created in section 24 of this act) from charges to participating producers under a battery stewardship program as provided in section 7 of this act.

(2) This section is not subject to the requirements of RCW 82.32.805 and 82.32.808 and is not subject to an expiration date.

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

**NEW SECTION. Sec. 24.** CODIFICATION. Sections 1 through 17, 19, and 20 of this act constitute a new chapter in Title 70A RCW.

**NEW SECTION. Sec. 25.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

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

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

MINORITY recommendation: Without recommendation. Signed by Representative Barnard.

Referred to Committee on Appropriations

March 21, 2023

E2SSB 5236 Prime Sponsor, Ways & Means: Concerning hospital staffing standards. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

March 21, 2023

SB 5287 Prime Sponsor, Senator Wilson, J.: Concerning a study on the recycling of wind turbine blades. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) Subject to amounts appropriated for this specific purpose in the omnibus operating appropriations act, the Washington State University extension energy program must conduct a study on the feasibility of recycling wind turbine blades installed at facilities in Washington that generate electricity for distribution to customers in Washington, including information and recommendations on:

(a) The cost, feasibility, and environmental impact of various disposal methods for wind turbine blades including, but not limited to, options for reuse, repurposing, and recycling;

(b) The availability of wind turbine blade recycling and processing facilities in Washington and other states;

(c) Potential incentives for the creation of wind turbine blade recycling facilities within Washington;

(d) Various mechanisms for establishing recycling requirements, or recycled content standards, for wind turbine blades;

(e) Considerations and options for the design of a state-managed product stewardship program for wind turbine blades; and

(f) The feasibility of including all wind turbine blades installed in facilities in Washington in a recycling program, including blades that are currently installed.

(2) By December 1, 2023, the Washington State University extension energy program must submit a report of its findings under this section to the appropriate committees of the legislature.

(3) This section expires December 1, 2024."

Correct the title.

Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Rules for second reading

March 21, 2023

SB 5319 Prime Sponsor, Senator Stanford: Concerning pet insurance. Reported by Committee on Consumer Protection & Business

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

Referred to Committee on Rules for second reading

March 22, 2023

SB 5330 Prime Sponsor, Senator Torres: Concerning the Washington pesticide application act. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Rules for second reading

March 21, 2023

ESB 5336 Prime Sponsor, Senator Cleveland: Concerning population criteria for the main street trust fund tax credit. Reported by Committee on Local Government

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

Referred to Committee on Finance

March 21, 2023

SB 5340 Prime Sponsor, Senator King: Regarding limits on the sale and possession of retail cannabis products. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Reeves; Walsh and Waters.

Referred to Committee on Rules for second reading

March 21, 2023

SSB 5353 Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Concerning the voluntary stewardship program. Reported by Committee on Local Government

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

Referred to Committee on Appropriations

March 20, 2023

E2SSB 5367 Prime Sponsor, Ways & Means: Concerning the regulation of products containing THC. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.140.020 and 2022 c 16 s 19 are each amended to read as follows:

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

(1) "Agriculture improvement act of 2018" means sections 7605, 10113, 10114, and 12619 of the agriculture improvement act of 2018, P.L. 115-334.

(2) "Cannabis" has the meaning provided in RCW 69.50.101.

(3) "Crop" means hemp grown as an agricultural commodity.

(4) "Cultivar" means a variation of the plant *Cannabis sativa L.* that has been developed through cultivation by selective breeding.

(5) "Department" means the Washington state department of agriculture.

(6) "Food" has the same meaning as defined in RCW 69.07.010.

(7) "Hemp" means the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

(8) "Hemp consumable" means a product that is sold or provided to another person, that is:

(a) Made of hemp;

(b) Not a cannabis product, as defined in RCW 69.50.101; and

(c) Intended to be consumed or absorbed inside the body by any means, including inhalation, ingestion, or insertion.

(9) "Hemp processor" means a person who takes possession of raw hemp material with the intent to modify, package, or sell a transitional or finished hemp product.

~~((+9))~~ (10) (a) "Industrial hemp" means all parts and varieties of the genera *Cannabis*, cultivated or possessed by a grower, whether growing or not, that contain a tetrahydrocannabinol concentration of 0.3 percent or less by dry weight that was grown under the industrial hemp research program as it existed on December 31, 2019.

(b) "Industrial hemp" does not include plants of the genera *Cannabis* that meet the definition of "cannabis."

~~((+10))~~ (11) "Postharvest test" means a test of ~~((delta-9))~~ tetrahydrocannabinol concentration levels of hemp after being harvested based on:

(a) Ground whole plant samples without heat applied; or

(b) Other approved testing methods.

~~((+11))~~ (12) "Process" means the processing, compounding, or conversion of hemp into hemp commodities or products.

~~((+12))~~ (13) "Produce" or "production" means the planting, cultivation, growing, or harvesting of hemp including hemp seed.

**Sec. 2.** RCW 69.50.101 and 2022 c 16 s 51 are each reenacted and amended to read as follows:

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

(a) "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(1) a practitioner authorized to prescribe (or, by the practitioner's authorized agent); or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseperson, or employee of the carrier or warehouseperson.

(c) "Board" means the Washington state liquor and cannabis board.

(d) "Cannabis" means all parts of the plant *Cannabis*, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis ~~(; the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include:~~

~~(1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other~~

~~compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination; or~~

~~(2) Hemp or industrial hemp as defined in RCW 15.140.020,)) during the growing cycle through harvest and useable cannabis. "Cannabis" does not include hemp or industrial hemp as defined in RCW 15.140.020, or seeds used for licensed hemp production under chapter 15.140 RCW.~~

(e) "Cannabis concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant *Cannabis* and having a THC concentration greater than ten percent.

(f) "Cannabis processor" means a person licensed by the board to process cannabis into cannabis concentrates, useable cannabis, and cannabis-infused products, package and label cannabis concentrates, useable cannabis, and cannabis-infused products for sale in retail outlets, and sell cannabis concentrates, useable cannabis, and cannabis-infused products at wholesale to cannabis retailers.

(g) "Cannabis producer" means a person licensed by the board to produce and sell cannabis at wholesale to cannabis processors and other cannabis producers.

(h) (1) "Cannabis products" means useable cannabis, cannabis concentrates, and cannabis-infused products as defined in this section, including any product intended to be consumed or absorbed inside the body by any means including inhalation, ingestion, or insertion, with any detectable amount of THC.

(2) "Cannabis products" also means any product containing only THC content.

(3) "Cannabis products" does not include cannabis health and beauty aids as defined in RCW 69.50.575 or products approved by the United States food and drug administration.

(i) "Cannabis researcher" means a person licensed by the board to produce, process, and possess cannabis for the purposes of conducting research on cannabis and cannabis-derived drug products.

(j) "Cannabis retailer" means a person licensed by the board to sell cannabis concentrates, useable cannabis, and cannabis-infused products in a retail outlet.

(k) "Cannabis-infused products" means products that contain cannabis or cannabis extracts, are intended for human use, are derived from cannabis as defined in subsection (d) of this section, and have a THC concentration no greater than ten percent. The term "cannabis-infused products" does not include either useable cannabis or cannabis concentrates.

(l) "CBD concentration" has the meaning provided in RCW 69.51A.010.

(m) "CBD product" means any product containing or consisting of cannabidiol.

(n) "Commission" means the pharmacy quality assurance commission.

(o) "Controlled substance" means a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or commission rules, but does not include hemp

or industrial hemp as defined in RCW 15.140.020.

(p)(1) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(i) that has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(ii) with respect to a particular individual, that the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II.

(2) The term does not include:

(i) a controlled substance;

(ii) a substance for which there is an approved new drug application;

(iii) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 355, or chapter 69.77 RCW to the extent conduct with respect to the substance is pursuant to the exemption; or

(iv) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance.

(q) "Deliver" or "delivery" means the actual or constructive transfer from one person to another of a substance, whether or not there is an agency relationship.

(r) "Department" means the department of health.

(s) "Designated provider" has the meaning provided in RCW 69.51A.010.

(t) "Dispense" means the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(u) "Dispenser" means a practitioner who dispenses.

(v) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(w) "Distributor" means a person who distributes.

(x) "Drug" means (1) a controlled substance recognized as a drug in the official United States pharmacopoeia/national formulary or the official homeopathic pharmacopoeia of the United States, or any supplement to them; (2) controlled substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals; (3) controlled substances (other than food) intended to affect the structure or any function of the body of individuals or animals; and (4) controlled substances intended for use as a component of any article specified in (1), (2), or (3) of

this subsection. The term does not include devices or their components, parts, or accessories.

(y) "Drug enforcement administration" means the drug enforcement administration in the United States Department of Justice, or its successor agency.

(z) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization verbally transmitted by telephone nor a facsimile manually signed by the practitioner.

(aa) "Immature plant or clone" means a plant or clone that has no flowers, is less than twelve inches in height, and is less than twelve inches in diameter.

(bb) "Immediate precursor" means a substance:

(1) that the commission has found to be and by rule designates as being the principal compound commonly used, or produced primarily for use, in the manufacture of a controlled substance;

(2) that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(cc) "Isomer" means an optical isomer, but in subsection (gg)(5) of this section, RCW 69.50.204(a) (12) and (34), and 69.50.206(b)(4), the term includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and 69.50.210(c) the term includes any positional isomer; and in RCW 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any positional or geometric isomer.

(dd) "Lot" means a definite quantity of cannabis, cannabis concentrates, useable cannabis, or cannabis-infused product identified by a lot number, every portion or package of which is uniform within recognized tolerances for the factors that appear in the labeling.

(ee) "Lot number" must identify the licensee by business or trade name and Washington state unified business identifier number, and the date of harvest or processing for each lot of cannabis, cannabis concentrates, useable cannabis, or cannabis-infused product.

(ff) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled substance:

(1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the



course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(gg) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium, opium derivative, and any derivative of opium or opium derivative, including their salts, isomers, and salts of isomers, whenever the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium.

(2) Synthetic opiate and any derivative of synthetic opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation.

(3) Poppy straw and concentrate of poppy straw.

(4) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives or ecgonine or their salts have been removed.

(5) Cocaine, or any salt, isomer, or salt of isomer thereof.

(6) Cocaine base.

(7) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof.

(8) Any compound, mixture, or preparation containing any quantity of any substance referred to in (1) through (7) of this subsection.

(hh) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes opium, substances derived from opium (opium derivatives), and synthetic opiates. The term does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes the racemic and levorotatory forms of dextromethorphan.

(ii) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(jj) "Person" means individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(kk) "Plant" has the meaning provided in RCW 69.51A.010.

(ll) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(mm) "Practitioner" means:

(1) A physician under chapter 18.71 RCW; a physician assistant under chapter 18.71A

RCW; an osteopathic physician and surgeon under chapter 18.57 RCW; an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010 subject to any limitations in RCW 18.53.010; a dentist under chapter 18.32 RCW; a podiatric physician and surgeon under chapter 18.22 RCW; a veterinarian under chapter 18.92 RCW; a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW; a naturopathic physician under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery, a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed physician assistant or a licensed osteopathic physician assistant specifically approved to prescribe controlled substances by his or her state's medical commission or equivalent and his or her supervising physician, an advanced registered nurse practitioner licensed to prescribe controlled substances, or a veterinarian licensed to practice veterinary medicine in any state of the United States.

(nn) "Prescription" means an order for controlled substances issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe controlled substances within the scope of his or her professional practice for a legitimate medical purpose.

(oo) "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(pp) "Qualifying patient" has the meaning provided in RCW 69.51A.010.

(qq) "Recognition card" has the meaning provided in RCW 69.51A.010.

(rr) "Retail outlet" means a location licensed by the board for the retail sale of cannabis concentrates, useable cannabis, and cannabis-infused products.

(ss) "Secretary" means the secretary of health or the secretary's designee.

(tt) "State," unless the context otherwise requires, means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(uu) "THC concentration" means percent of ((~~delta-9~~)) tetrahydrocannabinol content ((~~per dry weight~~)) of any part of the plant

*Cannabis*, or per volume or weight of cannabis product, or the combined percent of ((~~delta-9~~)) tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant *Cannabis* regardless of moisture content.

(vv) "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

(ww) "Useable cannabis" means dried cannabis flowers. The term "useable cannabis" does not include either cannabis-infused products or cannabis concentrates.

(xx) "Youth access" means the level of interest persons under the age of twenty-one may have in a vapor product, as well as the degree to which the product is available or appealing to such persons, and the likelihood of initiation, use, or addiction by adolescents and young adults.

(yy) "Package" means a container that has a single unit or group of units.

(zz) "Unit" means an individual consumable item within a package of one or more consumable items in solid, liquid, gas, or any form intended for human consumption.

**Sec. 3.** RCW 69.50.326 and 2022 c 16 s 55 are each amended to read as follows:

(1) Licensed cannabis producers and licensed cannabis processors may use a CBD product as an additive for the purpose of enhancing the cannabidiol concentration of any product authorized for production, processing, and sale under this chapter. Except as otherwise provided in subsection (2) of this section, such CBD product additives must be lawfully produced by, or purchased from, a producer or processor licensed under this chapter.

(2) Subject to the requirements set forth in (a) ~~((and (b)))~~ through (c) of this subsection, and for the purpose of enhancing the cannabidiol concentration of any product authorized for production, processing, or sale under this chapter, licensed cannabis producers and licensed cannabis processors may use a CBD product obtained from a source not licensed under this chapter, provided the CBD product:

(a) ~~((Has a THC level of 0.3 percent or less on a dry weight basis; and~~

~~(b)))~~ Is not cannabis, or a cannabis product, as defined in this chapter;

(b) Is not a synthetic cannabinoid; and

(c) Has been tested for contaminants and toxins by a testing laboratory accredited under this chapter and in accordance with testing standards established under this chapter and the applicable administrative rules.

(3) Subject to the requirements of this subsection (3), the board may enact rules necessary to implement the requirements of this section. Such rule making is limited to regulations pertaining to laboratory testing and product safety standards for those cannabidiol products used by licensed producers and processors in the manufacture of cannabis products marketed by licensed retailers under this chapter. The purpose of

such rule making must be to ensure the safety and purity of cannabidiol products used by cannabis producers and processors licensed under this chapter and incorporated into products sold by licensed recreational cannabis retailers. This rule-making authority does not include the authority to enact rules regarding either the production or processing practices of the industrial hemp industry or any cannabidiol products that are sold or marketed outside of the regulatory framework established under this chapter.

**Sec. 4.** RCW 69.50.346 and 2022 c 16 s 66 are each amended to read as follows:

(1) The label on a cannabis product ~~((container))~~ package, including cannabis concentrates, useable cannabis, or cannabis-infused products, sold at retail must include:

(a) The business or trade name and Washington state unified business identifier number of the cannabis producer and processor;

(b) The lot numbers of the product;

(c) The THC concentration and CBD concentration of the product;

(d) Medically and scientifically accurate and reliable information about the health and safety risks posed by cannabis use;

(e) Language required by RCW 69.04.480; and

(f) A disclaimer, subject to the following conditions:

(i) Where there is one statement made under subsection (2) of this section, or as described in subsection (5)(b) of this section, the disclaimer must state "This statement has not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."; and

(ii) Where there is more than one statement made under subsection (2) of this section, or as described in subsection (5)(b) of this section, the disclaimer must state "These statements have not been evaluated by the State of Washington. This product is not intended to diagnose, treat, cure, or prevent any disease."

(2)(a) For cannabis products that have been identified by the department in rules adopted under RCW 69.50.375(4) in chapter 246-70 WAC as being a compliant cannabis product, the product label and labeling may include a structure or function claim describing the intended role of a product to maintain the structure or any function of the body, or characterize the documented mechanism by which the product acts to maintain such structure or function, provided that the claim is truthful and not misleading.

(b) A statement made under (a) of this subsection may not claim to diagnose, mitigate, treat, cure, or prevent any disease.

(3) The labels and labeling may not be:

(a) False or misleading; or

(b) Especially appealing to children.

(4) The label is not required to include the business or trade name or Washington state unified business identifier number of,

or any information about, the cannabis retailer selling the cannabis product.

(5) A cannabis product is not in violation of any Washington state law or rule of the board solely because its label or labeling contains:

(a) Directions or recommended conditions of use; or

(b) A warning describing the psychoactive effects of the cannabis product, provided that the warning is truthful and not misleading.

(6) This section does not create any civil liability on the part of the state, the board, any other state agency, officer, employee, or agent based on a cannabis licensee's description of a structure or function claim or the product's intended role under subsection (2) of this section.

(7) Nothing in this section shall apply to a drug, as defined in RCW 69.50.101, or a pharmaceutical product approved by the United States food and drug administration.

NEW SECTION. **Sec. 5.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Except as otherwise provided in this chapter, no person may manufacture, sell, or distribute cannabis, cannabis concentrates, useable cannabis, or cannabis-infused products, or any cannabis products without a valid license issued by the board or commission.

(2) Any person performing any act requiring a license under this title, without having in force an appropriate and valid license issued to the person, is in violation of this chapter.

(3) The producing, processing, manufacturing, or sale of any synthetically derived, or completely synthetic, cannabinoid is prohibited, except for products approved by the United States food and drug administration.

NEW SECTION. **Sec. 6.** Nothing in this act shall be construed to require any agency to purchase a liquid chromatography-mass spectrometry instrument.

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Orwall; Reeves and Waters.

MINORITY recommendation: Without recommendation. Signed by Representatives Morgan; and Walsh.

Referred to Committee on Appropriations

March 22, 2023

SSB 5374 Prime Sponsor, Local Government, Land Use & Tribal Affairs: Concerning the adoption of county critical area ordinances

by cities. Reported by Committee on Local Government

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

Referred to Committee on Rules for second reading

March 22, 2023

SB 5390 Prime Sponsor, Senator Shewmake: Establishing a programmatic safe harbor agreement on forestlands. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Appropriations

March 22, 2023

SSB 5433 Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Concerning the removal of derelict aquatic structures and restoration of aquatic lands. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba; Lekanoff; Orcutt; Schmick and Springer.

Referred to Committee on Capital Budget

March 21, 2023

ESSB 5447 Prime Sponsor, Environment, Energy & Technology: Promoting the alternative jet fuel industry in Washington. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature intends to use funds from the climate commitment act to promote the production and use of sustainable aviation fuels, thereby growing the clean energy sector, addressing greenhouse gas emissions, and creating family wage manufacturing jobs in Washington. Sustainable aviation fuels represent the most significant near and midterm opportunity for aviation to reduce its greenhouse gas emissions. The use of sustainable aviation fuels will also improve air quality for airport workers and communities surrounding airports. While many efforts are underway to advance the use of sustainable aviation fuels, this act is intended to assist and accelerate those efforts.

PART I

**TREATMENT OF ALTERNATIVE JET FUELS**

**Sec. 2.** RCW 70A.535.010 and 2022 c 182 s 409 are each amended to read as follows:

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

(1) "Carbon dioxide equivalents" has the same meaning as defined in RCW 70A.45.010.

(2) "Carbon intensity" means the quantity of life-cycle greenhouse gas emissions, per unit of fuel energy, expressed in grams of carbon dioxide equivalent per megajoule (gCO<sub>2</sub>e/MJ).

(3) "Clean fuels program" means the requirements established under this chapter.

(4) "Cost" means an expense connected to the manufacture, distribution, or other aspects of the provision of a transportation fuel product.

(5) "Credit" means a unit of measure generated when a transportation fuel with a carbon intensity that is less than the applicable standard adopted by the department under RCW 70A.535.025 is produced, imported, or dispensed for use in Washington, such that one credit is equal to one metric ton of carbon dioxide equivalents. A credit may also be generated through other activities consistent with this chapter.

(6) "Deficit" means a unit of measure generated when a transportation fuel with a carbon intensity that is greater than the applicable standard adopted by the department under RCW 70A.535.025 is produced, imported, or dispensed for use in Washington, such that one deficit is equal to one metric ton of carbon dioxide equivalents.

(7) "Department" means the department of ecology.

(8) "Electric utility" means a consumer-owned utility or investor-owned utility, as those terms are defined in RCW 19.29A.010.

(9) "Greenhouse gas" has the same meaning as defined in RCW 70A.45.010.

(10) "Military tactical vehicle" means a motor vehicle owned by the United States department of defense or the United States military services and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(11) "Motor vehicle" has the same meaning as defined in RCW 46.04.320.

(12) "Price" means the amount of payment or compensation provided as consideration for a specified quantity of transportation fuel by a consumer or end user of the transportation fuel.

(13) "Regulated party" means a producer or importer of any amount of a transportation fuel that is ineligible to generate credits under this chapter.

(14) (a) "Tactical support equipment" means equipment using a portable engine, including turbines, that meets military specifications, owned by the United States military services or its allies, and that is used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(b) "Tactical support equipment" includes, but is not limited to, engines

associated with portable generators, aircraft start carts, heaters, and lighting carts.

(15) "Transportation fuel" means electricity and any liquid or gaseous fuel sold, supplied, offered for sale, or used for the propulsion of a motor vehicle or that is intended for use for transportation purposes.

(16) "Alternative jet fuel" means a fuel that can be blended and used with conventional petroleum jet fuels without the need to modify aircraft engines and existing fuel distribution infrastructure, and that have a lower carbon intensity than the applicable annual carbon intensity standard in Table 2 of WAC 173-424-900, as it existed on the effective date of this section. Alternative jet fuel includes jet fuels derived from coprocessed feedstocks at a conventional petroleum refinery.

**NEW SECTION. Sec. 3.** A new section is added to chapter 70A.535 RCW to read as follows:

(1) By no later than December 31, 2023, the department must allow one or more carbon intensity pathways for alternative jet fuel.

(2) The department must allow biomethane to be claimed as the feedstock for renewable diesel and alternative jet fuel consistent with that allowable for compressed natural gas, liquified natural gas, liquified compressed natural gas, or hydrogen production. The department must include in the report required by RCW 70A.535.090(1) information that includes the amount, generation date, and geographic origin of renewable thermal certificates representing the biomethane environmental attributes claimed by each reporting entity for the fuels described in this subsection.

(3) The department must notify the department of revenue within 30 days when one or more facilities capable of producing a cumulative production capacity of at least 20,000,000 gallons of alternative jet fuel each year are operating in this state.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28B.30 RCW to read as follows:

(1) Washington State University must convene an alternative jet fuels work group to further the development of alternative jet fuel as a productive industry in Washington. The work group must include members from the legislature and sectors involved in alternative jet fuel research, development, production, and utilization. The work group must provide a report including any pertinent recommendations to the governor and appropriate committees of the legislature by December 1, 2024, and December 1st of every even-numbered year until December 1, 2028.

(2) This section expires January 1, 2029.

**Sec. 5.** RCW 43.330.565 and 2022 c 292 s 102 are each amended to read as follows:

(1) The statewide office of renewable fuels is established within the department. The office shall report to the director of the department. The office may employ staff

as necessary to carry out the office's duties as prescribed by chapter 292, Laws of 2022, subject to the availability of amounts appropriated for this specific purpose.

(2) The purpose of the office is to leverage, support, and integrate with other state agencies to:

(a) Accelerate comprehensive market development with assistance along the entire life cycle of renewable fuel projects;

(b) Support research into and development and deployment of renewable fuel and the production, distribution, and use of renewable and green electrolytic hydrogen and their derivatives, as well as product engineering and manufacturing relating to the production and use of such hydrogen and its derivatives;

(c) Drive job creation, improve economic vitality, and support the transition to clean energy;

(d) Further the development and use of alternative jet fuels as a productive industry in Washington.

(e) Enhance resiliency by using renewable fuels, alternative jet fuels, and green electrolytic hydrogen to support climate change mitigation and adaptations; and

~~((e))~~ (f) Partner with overburdened communities to ensure communities equitably benefit from renewable and clean fuels efforts.

**Sec. 6.** RCW 43.330.570 and 2022 c 292 s 103 are each amended to read as follows:

(1) The office shall:

(a) Coordinate with federally recognized tribes, local government, state agencies, federal agencies, private entities, the state's public four-year institutions of higher education, labor unions, and others to facilitate and promote multi-institution collaborations to drive research, development, and deployment efforts in the production, distribution, and use of alternative jet fuels and renewable fuels including, but not limited to, green electrolytic hydrogen;

(b) Review existing renewable fuels, alternative jet fuels, and green electrolytic hydrogen initiatives, policies, and public and private investments, and tax and regulatory incentives, including assessment of adequacy of feedstock supply and in-state feedstock, renewable fuels, and alternative jet fuels production;

(c) Consider funding opportunities that provide for the coordination of public and private funds for the purposes of developing and deploying renewable fuels, alternative jet fuels, and green electrolytic hydrogen;

(d) Assess opportunities for and barriers to deployment of renewable fuels, alternative jet fuels, and green electrolytic hydrogen in hard to decarbonize sectors of the state economy;

(e) Request recommendations from the Washington state association of fire marshals regarding fire and other safety standards adopted by the United States department of energy and recognized national and international fire and safety code development authorities regarding renewable fuels, alternative jet fuels, and green electrolytic hydrogen;

(f) By December 1, 2023, develop a plan and recommendations for consideration by the legislature and governor on renewable fuels and green electrolytic hydrogen policy and public funding including, but not limited to, project permitting, state procurement, and pilot projects; and

(g) Encourage new and support existing public-private partnerships to increase coordinated planning and deployment of renewable fuels, alternative jet fuels, and green electrolytic hydrogen.

(2) The office may take all appropriate steps to seek and apply for federal funds for which the office is eligible, and other grants, and accept donations, and must deposit these funds in the renewable fuels accelerator account created in RCW 43.330.575.

(3) In carrying out its duties, the office must collaborate with the department, the department of ecology, the department of transportation, the utilities and transportation commission, electric utilities in Washington state, the Washington State University extension energy program, the alternative jet fuel work group established in section 4 of this act, and all other relevant state agencies. The office must also consult with and seek to involve federally recognized tribes, project developers, labor and industry trade groups, and other interested parties, in the development of policy analysis and recommended programs or projects.

(4) The office may cooperate with other state agencies in compiling data regarding the use of renewable fuels and green electrolytic hydrogen in state operations, including motor vehicle fleets, the state ferry system, and nonroad equipment.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28B.30 RCW to read as follows:

(1) To assess the potential cobenefits of alternative jet fuel for Washington's communities, by December 1, 2024, and December 1st of each year until such time as the joint legislative audit and review committee has completed its final report on the tax preferences contained in sections 9 through 12 of this act, the University of Washington's department of environmental and occupational health sciences, in collaboration with Washington State University, shall calculate emissions of ultrafine and fine particulate matter and sulfur oxides from the use of alternative jet fuel as compared to conventional fossil jet fuel, including the potential regional air quality benefits of any reductions. This emissions calculation shall be conducted for alternative jet fuel used from an international airport owned by a port district in a county with a population greater than 1,500,000. The University of Washington may access and use any data necessary to complete the reporting requirements of this section.

(2) To facilitate the calculation required in subsection (1) of this section, an international airport owned by a port district in a county with a population greater than 1,500,000 must report to the

University of Washington the total annual volume of conventional and alternative jet fuel used for flights departing the airport by July 1, 2024, and July 1st of each year until such time as the joint legislative audit and review committee has completed its final report on the tax preferences contained in sections 9 through 12 of this act.

**PART II  
ALTERNATIVE JET FUEL TAX INCENTIVES**

NEW SECTION. **Sec. 8.** (1) This section is the tax preference performance statement for the tax preferences contained in sections 9 through 12, chapter . . . , Laws of 2023 (sections 9 through 12 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes these tax preferences as ones intended to improve industry competitiveness as indicated in RCW 82.32.808(2)(b).

(3) It is the legislature's specific public policy objective to encourage the production and use of alternative jet fuels. It is also the legislature's intent to support the development of the alternative jet fuels industry in Washington by providing targeted tax relief for such businesses.

(4) The legislature intends to extend the expiration date of the tax preferences contained in this act if a review finds:

(a) An increase in the production and use of alternative jet fuels in Washington by persons claiming the tax preferences in this act;

(b) That the production and use of alternative jet fuels in this state does not result in additional pollution including, but not limited to, pollution from per- and polyfluoroalkyl substances, noxious gases, ultrafine particles, lead, or other metals; and

(c) That the alternative jet fuel industry has created measurable economic growth in Washington.

(5) The review conducted by the joint legislative audit and review committee must include a racial equity analysis on air travel-related pollution in communities near an international airport owned by a port district in a county with a population greater than 1,500,000.

(6) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may access and use data from an international airport owned by a port district in a county with a population greater than 1,500,000, the University of Washington, reports compiled by the Washington State University pursuant to section 7 of this act, and any other data collected by the state as it deems necessary.

(7) The joint legislative audit and review committee must complete a preliminary report by December 1, 2032.

NEW SECTION. **Sec. 9.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Upon every person engaging within the state in the business of manufacturing alternative jet fuel; as to such persons, the amount of the tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.275 percent.

(2) Upon every person engaging in making sales, at retail or wholesale, of manufactured alternative jet fuel; as to such persons, the amount of the tax with respect to such business is equal to the gross proceeds of sales of the alternative jet fuel, multiplied by the rate of 0.275 percent.

(3) For the purposes of this section, "alternative jet fuel" has the same meaning as in RCW 70A.535.010.

(4) A person reporting under the tax rate provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

(5)(a) The tax rate under subsections (1) and (2) of this section takes effect on the first day of the first calendar quarter following the month in which the department receives notice from the department of ecology that there are one or more facilities operating in this state with a cumulative production capacity of at least 20,000,000 gallons of alternative jet fuel each year, as required in section 3 of this act.

(b) The tax rate expires nine calendar years after the close of the calendar year in which the tax rate under subsections (1) and (2) of this section takes effect.

NEW SECTION. **Sec. 10.** A new section is added to chapter 82.04 RCW to read as follows:

(1)(a) Subject to the limits and provisions of this section, a credit is allowed against the tax otherwise due under this chapter for persons engaged in the manufacturing of alternative jet fuel.

(b) Except as provided in (c) of this subsection, the credit under this section is equal to \$1 for each gallon of alternative jet fuel that has at least 50 percent less carbon dioxide equivalent emissions than conventional jet fuel and is sold during the prior calendar year by:

(i) A business that produces alternative jet fuel and is located in a qualifying county; or

(ii) A business's designated alternative jet fuel blender that is located in this state.

(c) The credit amount under (b) of this subsection must increase by 2 cents for each additional one percent reduction in carbon dioxide equivalent emissions beyond 50 percent, not to exceed \$2 for each gallon of alternative jet fuel.

(d) A person may not receive credit under both (b)(i) and (ii) of this subsection.

(e) The credit under this section is calculated only on the portion of jet fuel

that is considered alternative jet fuel and does not include conventional jet fuel when such fuels are blended or otherwise used in a jet fuel mixture.

(f) A credit under this section may not be claimed until the department of ecology verifies that there are one or more facilities operating in this state with cumulative production capacity of at least 20,000,000 gallons of alternative jet fuel each year and has provided such notice to the department.

(g) Contract pricing for sales of alternative jet fuel between a person claiming the credit under this section and the final consumer must reflect the per gallon credit under (b) and (c) of this subsection.

(2) A person may not receive credit under this section for amounts claimed as credits under section 11 of this act or chapter 82.16 RCW.

(3) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department.

(4) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) Documentation of the total amount of alternative jet fuel manufactured and sold in the prior calendar year;

(iii) Documentation sufficient for the department to verify that the alternative jet fuel for which the credit is being claimed meets the carbon intensity reduction benchmarks under subsection (1)(b) and (c) of this section, as certified by the department of ecology under section 3 of this act;

(iv) Documentation sufficient to verify compliance with subsection (1)(g) of this section; and

(v) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Obtain a carbon intensity score from the department of ecology prior to submitting an application to the department.

(5) The department must notify applicants of credit approval or denial within 60 days of receipt of a final application and documentation.

(6) If a person fails to supply the information as required in subsection (4) of this section, the department must deny the application.

(7)(a) The credit under this section may only be claimed against taxes due under section 9 of this act, less any taxable amount for which a credit is allowed under RCW 82.04.440.

(b) A credit earned during one calendar year may be carried over and claimed against taxes incurred for the next subsequent calendar year but may not be carried over for any calendar year thereafter.

(c) No refunds may be granted for credits under this section.

(8) For the purposes of this section:

(a) "Alternative jet fuel" has the same meaning as in RCW 70A.535.010.

(b) "Carbon dioxide equivalent" has the same meaning as in RCW 70A.45.010.

(c) "Qualifying county" means a county that has a population less than 650,000 at the time an application for a credit under this section is received by the department.

(9)(a) Credits may be earned beginning on the first day of the first calendar quarter following the month in which notice under subsection (1)(f) of this section was received by the department.

(b) Credits may not be earned beginning nine calendar years after the close of the calendar year in which the credit may be earned, as provided in (a) of this subsection.

(10) A person claiming the credit provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

**NEW SECTION. Sec. 11.** A new section is added to chapter 82.04 RCW to read as follows:

(1)(a) Subject to the limits and provisions of this section, a credit is allowed against the tax otherwise due under this chapter for persons engaged in the use of alternative jet fuel.

(b) Except as provided in (c) of this subsection, the credit under this section is equal to \$1 for each gallon of alternative jet fuel that has at least 50 percent less carbon dioxide equivalent emissions than conventional jet fuel and is purchased during the prior calendar year by a business for use as alternative jet fuel for flights departing in this state.

(c) The credit amount under (b) of this subsection must increase by 2 cents for each additional one percent reduction in carbon dioxide equivalent emissions beyond 50 percent, not to exceed \$2 for each gallon of alternative jet fuel.

(d) The credit under this section is calculated only on the portion of jet fuel that is considered alternative jet fuel and does not include conventional jet fuel when such fuels are blended or otherwise used in a jet fuel mixture.

(e) A credit under this section may not be claimed until the department of ecology verifies that there are one or more facilities operating in this state with cumulative production capacity of at least 20,000,000 gallons of alternative jet fuel each year and has provided such notice to the department.

(2) A person may not receive credit under this section for amounts claimed as credits under section 10 of this act or chapter 82.16 RCW.

(3) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department.

(4) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) Documentation of the amount of alternative jet fuel purchased by the business in the prior calendar year;

(iii) Documentation sufficient for the department to verify that the alternative jet fuel for which the credit is being claimed meets the carbon intensity reduction benchmarks under subsection (1)(b) and (c) of this section, as certified by the department of ecology under section 3 of this act; and

(iv) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Obtain a carbon intensity score from the department of ecology prior to submitting an application to the department.

(5) The department must notify applicants of credit approval or denial within 60 days of receipt of a final application and documentation.

(6) If a person fails to supply the information as required in subsection (4) of this section, the department must deny the application.

(7)(a) The credit under this section may be used against any tax due under this chapter.

(b) A credit earned during one calendar year may be carried over and claimed against taxes incurred for the next subsequent calendar year but may not be carried over for any calendar year thereafter.

(c) No refunds may be granted for credits under this section.

(8) For the purposes of this section:

(a) "Alternative jet fuel" has the same meaning as in RCW 70A.535.010.

(b) "Carbon dioxide equivalent" has the same meaning as in RCW 70A.45.010.

(9)(a) Credits may be earned beginning on the first day of the first calendar quarter following the month in which notice under subsection (1)(e) of this section was received by the department.

(b) Credits may not be earned beginning nine calendar years after the close of the calendar year in which the credit may be earned, as provided in (a) of this subsection.

(10) A person claiming the credit provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

**NEW SECTION. Sec. 12.** A new section is added to chapter 82.16 RCW to read as follows:

(1)(a) Subject to the limits and provisions of this section, a credit is allowed against the tax otherwise due under this chapter for persons engaged in the use of alternative jet fuel.

(b) Except as provided in (c) of this subsection, the credit under this section is equal to \$1 for each gallon of alternative jet fuel that has at least 50 percent less carbon dioxide equivalent emissions than conventional jet fuel and is purchased during the prior calendar year by a business for use as alternative jet fuel for flights departing in this state.

(c) The credit amount under (b) of this subsection must increase by 2 cents for each additional one percent reduction in carbon dioxide equivalent emissions beyond 50 percent, not to exceed \$2 for each gallon of alternative jet fuel.

(d) The credit under this section is calculated only on the portion of jet fuel that is considered alternative jet fuel and does not include conventional jet fuel when such fuels are blended or otherwise used in a jet fuel mixture.

(e) A credit under this section may not be claimed until the department of ecology verifies that there are one or more facilities operating in this state with cumulative production capacity of at least 20,000,000 gallons of alternative jet fuel each year and has provided such notice to the department.

(2) A person may not receive credit under this section for amounts claimed as credits under chapter 82.04 RCW.

(3) To claim a credit under this section a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department.

(4) To claim a credit under this section, the person applying must:

(a) Complete an application for the credit which must include:

(i) The name, business address, and tax identification number of the applicant;

(ii) Documentation of the amount of alternative jet fuel purchased by the business in the prior calendar year;

(iii) Documentation sufficient for the department to verify that the alternative jet fuel for which the credit is being claimed meets the carbon intensity reduction benchmarks under subsection (1)(b) and (c) of this section, as certified by the department of ecology under section 3 of this act; and

(iv) Any other information deemed necessary by the department to support administration or reporting of the program.

(b) Obtain a carbon intensity score from the department of ecology prior to submitting an application to the department.

(5) The department must notify applicants of credit approval or denial within 60 days of receipt of a final application and documentation.

(6) If a person fails to supply the information as required in subsection (4) of this section, the department must deny the application.

(7)(a) The credit under this section may be used against any tax due under this chapter.

(b) A credit earned during one calendar year may be carried over and claimed against taxes incurred for the next subsequent calendar year but may not be carried over for any calendar year thereafter.

(c) No refunds may be granted for credits under this section.

(8) The definitions in section 11 of this act apply to this section.

(9)(a) Credits may be earned beginning on the first day of the first calendar quarter following the month in which notice under



subsection (1)(e) of this section was received by the department.

(b) Credits may not be earned beginning nine calendar years after the close of the calendar year in which the credit may be earned, as provided in (a) of this subsection.

(10) A person claiming the credit provided in this section must file a complete annual tax performance report with the department under RCW 82.32.534.

NEW SECTION. **Sec. 13.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 14.** RCW 82.32.805 does not apply to this act.

NEW SECTION. **Sec. 15.** Sections 9 through 12 of this act take effect July 1, 2024.

NEW SECTION. **Sec. 16.** Sections 1 through 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2023."

Correct the title.

Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno; Barnard; Berry; Couture; Duerr; Fey; Goehner; Lekanoff; Ramel; Slatter and Street.

Referred to Committee on Finance

March 21, 2023

SB 5452 Prime Sponsor, Senator Shewmake: Authorizing impact fee revenue to fund improvements to bicycle and pedestrian facilities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Rules for second reading

March 22, 2023

SB 5553 Prime Sponsor, Senator Lovelett: Authorizing standards for temporary emergency shelters for local adoption. Reported by Committee on Local Government

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

Referred to Committee on Rules for second reading

March 21, 2023

SSB 5600

Prime Sponsor, Environment, Energy & Technology; Extending the expiration date for the state universal communications services program. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.36.630 and 2019 c 365 s 11 are each amended to read as follows:

(1) The definitions in this section apply throughout this section and RCW 80.36.650 through 80.36.690 and 80.36.610 unless the context clearly requires otherwise.

(a) "Basic residential service" means those services set out in 47 C.F.R. Sec. 54.101(a) (2011), as it existed on May 13, 2019, and mandatory extended area service approved by the commission.

(b) "Basic telecommunications services" means the following services:

(i) Single-party service;  
(ii) Voice grade access to the public switched network;  
(iii) Support for local usage;  
(iv) Dual tone multifrequency signaling (touch-tone);

(v) Access to emergency services (911);  
(vi) Access to operator services;  
(vii) Access to interexchange services;  
(viii) Access to directory assistance;

and  
(ix) Toll limitation services.

(c) "Broadband service" means any service providing advanced telecommunications capability, including internet access and access to high quality voice, data, graphics, or video.

(d) "Communications provider" means a provider of communications services that assigns a working telephone number to a final consumer for intrastate wireline or wireless communications services or interconnected voice over internet protocol service, and includes local exchange carriers.

(e) "Communications services" includes telecommunications services and information services and any combination thereof.

(f) "Incumbent local exchange carrier" has the same meaning as set forth in 47 U.S.C. Sec. 251(h).

(g) "Incumbent public network" means the network established by incumbent local exchange carriers for the delivery of communications services to customers that is used by communications providers for origination or termination of communications services by or to customers.

(h) "Interconnected voice over internet protocol service" means an interconnected voice over internet protocol service that:  
(i) Enables real-time, two-way voice communications; (ii) requires a broadband connection from the user's location; (iii) requires internet protocol-compatible customer premises equipment; and (iv) permits users generally to receive calls

that originate on the public network and to terminate calls to the public network.

(i) "Program" means the state universal communications services program created in RCW 80.36.650.

(j) "Telecommunications" has the same meaning as defined in 47 U.S.C. Sec. 153(43).

(k) "Telecommunications act of 1996" means the telecommunications act of 1996 (P.L. 104-104, 110 Stat. 56).

(2) This section expires July 1, ~~((2025))~~ 2035.

**Sec. 2.** RCW 80.36.650 and 2019 c 365 s 12 are each amended to read as follows:

(1) A state universal communications services program is established. The program is established to protect public safety and welfare under the authority of the state to regulate telecommunications under Article XII, section 19 of the state Constitution. The purpose of the program is to support continued provision of basic telecommunications services under rates, terms, and conditions established by the commission and the provision, enhancement, and maintenance of broadband services, recognizing that, historically, the incumbent public network functions to provide all communications services including, but not limited to, voice and broadband services.

(2) Under the program, eligible communications providers may receive distributions from the universal communications services account created in RCW 80.36.690 in exchange for the affirmative agreement to provide continued telecommunications services under the rates, terms, and conditions established by the commission under this chapter, and broadband services, for the period covered by the distribution. The commission must implement and administer the program under terms and conditions established in RCW 80.36.630 through 80.36.690. Expenditures for the program may not exceed ~~((five million dollars))~~ \$5,000,000 per fiscal year; provided, however, that if less than ~~((five million dollars))~~ \$5,000,000 is expended in any fiscal year, the unexpended portion must be carried over to subsequent fiscal years and, unless fully expended, must be available for program expenditures in such subsequent fiscal years in addition to the ~~((five million dollars))~~ \$5,000,000 allotted for each of those subsequent fiscal years.

(3) A communications provider is eligible to receive distributions from the account if:

(a)(i) The communications provider is:  
(A) An incumbent local exchange carrier serving fewer than ~~((forty thousand))~~ 40,000 access lines in the state; or (B) a radio communications service company providing wireless two-way voice communications service and broadband services to less than the equivalent of ~~((forty thousand))~~ 40,000 access lines in the state. For purposes of determining the access line threshold in this subsection, the access lines or equivalents of all wireline affiliates must be counted as a single threshold, if the

lines or equivalents are located in Washington;

(ii) The communications provider has adopted a plan to provide, enhance, ~~((or))~~ and maintain broadband services in its service area; and

(iii) The communications provider meets any other requirements established by the commission pertaining to the provision of communications services, including basic telecommunications services; or

(b) The communications provider demonstrates to the commission that the communications provider is able to provide the same or comparable services at the same or similar service quality standards at a lower price; and: (i) Will provide communications services to all customers in the exchange or exchanges in which it will provide service; and (ii) submits to the commission's regulation of its service as if it were the incumbent local exchange company serving the exchange or exchanges for which it seeks distribution from the account.

(4)(a) Distributions to eligible communications providers are based on criteria established by the commission.

(b) If the program does not have sufficient funds to fully fund the distribution formula set out in (a) of this subsection, distributions must be reduced on a pro rata basis using the amounts calculated for that year's program support as the basis of the pro rata calculations.

(c) To receive a distribution under the program, an eligible communications provider must affirmatively consent to continue providing communications services to its customers under rates, terms, and conditions established by the commission pursuant to this chapter for the period covered by the distribution.

(5) The program is funded from amounts deposited by the legislature in the universal communications services account established in RCW 80.36.690. The commission must operate the program within amounts appropriated for this purpose and deposited in the account.

(6) The commission must periodically review the accounts and records of any communications provider that receives distributions under the program to ensure compliance with the program and monitor the providers' use of the funds.

(7) The commission must establish an advisory board, consisting of a reasonable balance of representatives from different types of stakeholders, including but not limited to communications providers and consumers, to advise the commission on any rules and policies governing the operation of the program.

(8) The program terminates on June 30, ~~((2024))~~ 2034, and no distributions may be made after that date.

(9) This section expires July 1, ~~((2025))~~ 2035.

**Sec. 3.** RCW 80.36.660 and 2019 c 365 s 13 are each amended to read as follows:

(1) To implement the program, the commission must adopt rules for the following purposes and review them no less than every five years:

(a) Operation of the program, including criteria for: Eligibility for distributions; use of the funds; identification of any reports or data that must be filed with the commission, including, but not limited to, how a communication provider used the distributed funds; and the communications provider's infrastructure;

(b) Operation of the universal communications services account established in RCW 80.36.690;

(c) Establishment of the criteria used to calculate distributions; and

(d) Readoption, amendment, or repeal of any existing rules adopted pursuant to RCW 80.36.610 as necessary to be consistent with RCW 80.36.630 through 80.36.690 and 80.36.610.

(2) This section expires July 1, ((2025)) 2035.

**Sec. 4.** RCW 80.36.670 and 2019 c 365 s 14 are each amended to read as follows:

(1) In addition to any other penalties prescribed by law, the commission may impose penalties for failure to make or delays in making or filing any reports required by the commission for administration of the program. In addition, the commission may recover amounts determined to have been improperly distributed under RCW 80.36.650. For the purposes of this section, the provisions of RCW 80.04.380 through 80.04.405, inclusive, apply to all companies that receive support from the universal communications services account created in RCW 80.36.690.

(2) Any action taken under this section must be taken only after providing the affected communications provider with notice and an opportunity for a hearing, unless otherwise provided by law.

(3) Any amounts recovered under this section must be deposited in the universal communications services account created in RCW 80.36.690.

(4) This section expires July 1, ((2025)) 2035.

**Sec. 5.** RCW 80.36.680 and 2019 c 365 s 15 are each amended to read as follows:

(1) The commission may delegate to the commission secretary or other staff the authority to resolve disputes and make other administrative decisions necessary to the administration and supervision of the program consistent with the relevant statutes and commission rules.

(2) This section expires July 1, ((2025)) 2035.

**Sec. 6.** RCW 80.36.690 and 2019 c 365 s 16 are each amended to read as follows:

(1) The universal communications services account is created in the custody of the state treasurer. Revenues to the account consist of moneys deposited in the account by the legislature and any penalties or other recoveries received pursuant to RCW 80.36.670. Expenditures from the account may be used only for the purposes of the universal communications services program established in RCW 80.36.650 and commission expenses related to implementation and

administration of the provisions of RCW 80.36.630 through 80.36.690 and section 212, chapter 8, Laws of 2013 2nd sp. sess. Only the secretary of the commission or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires July 1, ((2025)) 2035.

**Sec. 7.** RCW 80.36.700 and 2019 c 365 s 17 are each amended to read as follows:

(1) The universal communications services program established in RCW 80.36.630 through 80.36.690 terminates on June 30, ((2024)) 2034.

(2) This section expires July 1, ((2025)) 2035."

Correct the title.

Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Cortes; Paul; Senn; Shavers; Street; Waters and Ybarra.

Referred to Committee on Appropriations

March 22, 2023

SSB 5604

Prime Sponsor, Local Government, Land Use & Tribal Affairs: Concerning county sales and use taxes for mental health and housing. Reported by Committee on Local Government

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

Referred to Committee on Finance

March 22, 2023

SSB 5627

Prime Sponsor, Local Government, Land Use & Tribal Affairs: Concerning salaries for county commissioners and councilmembers. Reported by Committee on Local Government

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

Referred to Committee on Rules for second reading

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 sixth order of business.

## SECOND READING

**ENGROSSED SENATE BILL NO. 5623, by Senators Dhingra, Conway, Hasegawa, Kuderer, Liias, Lovelett, Nobles, Pedersen, Stanford and Wilson, C.**

**Modifying an element of the offense of hate crime and classifying a hate crime as crimes against persons.**

The bill was read the second time.

Representative Graham moved the adoption of amendment (495):

On page 1, line 11, after "identity," insert "employment as a general authority, limited authority, or specially commissioned Washington peace officer as defined under RCW 10.93.020,"

On page 2, line 3, after "identity," insert "or the same employment as a general authority, limited authority, or specially commissioned Washington peace officer as defined under RCW 10.93.020,"

On page 2, line 15, after "identity," insert "employment as a general authority, limited authority, or specially commissioned Washington peace officer as defined under RCW 10.93.020,"

On page 3, line 4, after "identity," insert "was employed as a general authority, limited authority, or specially commissioned Washington peace officer as defined under RCW 10.93.020,"

**POINT OF ORDER**

Representative Stonier requested a scope and object ruling on amendment (495) to ENGROSSED SENATE BILL NO. 5623.

**SPEAKER'S RULING**

"The title of the bill is an act relating to modifying an element of the offense of hate crime and classifying a hate crime as a crime against persons.

Current law provides that a person is guilty of a hate crime offense if they maliciously and intentionally commit certain acts based on the perpetrator's perception of a victim's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability.

Engrossed Senate Bill 5623 provides that a person is guilty of a hate crime if they assault rather than physically injure a victim. The bill also permits a judge or jury to infer that a person intended to threaten a victim because of their perception of the victim's Jewish heritage by committing specific acts and reclassifies hate crime offenses as crimes against persons.

Amendment (495) expands the bill by extending hate crime offenses to acts committed by a perpetrator based on their perception of a victim's employment as a Washington peace officer. The amendment does not address the manner in which a perpetrator harms a victim, an inference drawn by a trier of fact based on a perpetrator's conduct, or the classification of hate crime offenses. The effect of the amendment is to create a new category of victims.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the bill.

The point of order is well taken."

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

Representatives Goodman, Mosbrucker and Barnard spoke in favor of the passage of the bill.

Representatives Graham, McEntire and Jacobsen spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5623.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5623, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, Christian, Dent, Graham, Jacobsen, Kretz, McEntire, Schmidt and Walsh

ENGROSSED SENATE BILL NO. 5623, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5198, by Senate Committee on Ways & Means (originally sponsored by Frame, Kuderer, Hasegawa, Hunt, Keiser, Lovelett, Nobles, Valdez and Wilson, C.)**

**Concerning the sale or lease of manufactured/mobile home communities and the property on which they sit.**

The bill was read the second time.

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

Representatives Gregerson, Klicker and Duerr spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5198.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5198, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chandler, Couture and Rude

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5198, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5569, by Senate Committee on Health & Long Term Care (originally sponsored by Rivers and Dozier)**

**Creating exemptions from certificate of need requirements for kidney disease centers.**

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5569.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5569, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5569, having received the necessary constitutional majority, was declared passed.

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

#### MESSAGE FROM THE SENATE

February 1, 2023

Mme. SPEAKER:

The Senate reconsidered the following measures and, pursuant to Article 3, Section 12 of the State Constitution, passed the measure over the Governor's objection:

ENGROSSED SENATE BILL 5017 (2021)  
SUBSTITUTE SENATE BILL 5810 (2022)

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

#### FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5810 GOVERNOR'S VETO NOTWITHSTANDING

Representatives Walen and Corry spoke in favor of the passage of the bill, notwithstanding the Governor's veto.

The Speaker (Representative Bronoske presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5810, notwithstanding the Governor's veto.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5810, notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5810, notwithstanding the Governor's veto, having received the two-thirds constitutional majority, was declared passed.

#### FINAL PASSAGE OF ENGROSSED SENATE BILL 5017 GOVERNOR'S VETO NOTWITHSTANDING

Representatives Tharinger and Steel spoke in favor of the passage of the bill, notwithstanding the Governor's veto.

The Speaker (Representative Bronoske presiding) stated the question before the House to be final passage of Substitute Senate Bill No. 5017, notwithstanding the Governor's veto.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5017, notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

ENGROSSED SENATE BILL NO. 5017, notwithstanding the Governor's veto, having received the two-thirds constitutional majority, was declared passed.

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

#### MOTIONS

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

HOUSE BILL NO. 1847  
SUBSTITUTE SENATE BILL NO. 5006  
SUBSTITUTE SENATE BILL NO. 5028  
SENATE BILL NO. 5041  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5143  
SENATE BILL NO. 5192  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5272  
SENATE BILL NO. 5295  
SUBSTITUTE SENATE BILL NO. 5317  
SENATE BILL NO. 5319  
SENATE BILL NO. 5342  
SUBSTITUTE SENATE BILL NO. 5439  
SENATE BILL NO. 5553  
SUBSTITUTE SENATE BILL NO. 5565  
SUBSTITUTE SENATE BILL NO. 5627

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the suspension calendar:

SENATE BILL NO. 5370

There being no objection, the House adjourned until 1:30 p.m., Friday, March 24, 2023, the 75th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SEVENTY FIFTH DAY

House Chamber, Olympia, Friday, March 24, 2023

The House was called to order at 1:30 p.m. by the Speaker (Representative Orwall 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 Alayna Ray and Jacob Kuczynski. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Genjo Yorke from the Olympia Zen Center.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4629**, by Representatives Farivar, Waters, Berry, Slatter, Ryu, Taylor, Fitzgibbon, Duerr, Timmons, Orwall, Springer, Thai, Leavitt, Cortes, Mena, Gregerson, Macri, Callan, Kloba, Bateman, Reeves, Goodman, Bronoske, Barnard, Ybarra, Robertson, Walen, Fosse, Stearns, Pollet, Senn, Connors, Mosbrucker, Cheney, Corry, Simmons, Eslick, Chapman, Hackney, and Ramos

WHEREAS, The Persian New Year, or Nowruz, originated in the Iranian plateau more than 3,000 years ago and is celebrated annually marking the Spring Equinox in the northern hemisphere, which this year fell on March 20th at 2:24 p.m.; and

WHEREAS, Nowruz is a significant cultural holiday for individuals in Iran, Afghanistan, Tajikistan, and Uzbekistan which is celebrated by nearly 300 million people across the globe of different faiths and cultures, particularly in and by more than 1 million Americans, including tens of thousands in Washington state; and

WHEREAS, Nowruz welcomes spring and regrowth after winter and periods of cold and dormancy and it celebrates nature, life, and opportunity for regrowth and blossoming; and

WHEREAS, In this time where mistrust and fear often threaten to divide us, the spirit of Nowruz inspires us to realize our commonalities and strive for new levels of compassion, understanding, and love for our fellow human beings irrespective of religion or ethnicity; and

WHEREAS, Many Middle Eastern and Central Asian individuals immigrate to Washington to flee persecution for their beliefs, seeking personal and religious freedoms in the United States; and

WHEREAS, Middle Eastern and Central Asians are an important part of our communities and continue to make noteworthy and lasting contributions to Washington state through their leadership in business, government, higher education, medicine, military service, law, social justice, and many other arenas; and

WHEREAS, Nowruz presents a fitting opportunity to recognize these contributions and the resilience of the Iranian-American and Afghan-American communities who continue to advocate for their communities; and

WHEREAS, Nowruz is a time for all of us to come together to reflect on the year that has passed and celebrate the universal values of generosity, compassion, selflessness, and community stewardship in the year ahead;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate the honored holiday of Nowruz; recognize the historical and cultural significance thereof; stand with the communities that celebrate Nowruz in times of crisis and in times of celebration; and wish a happy and prosperous new year to all.

HOUSE RESOLUTION NO. 4629 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) is pleased to recognize the following organizations that are here today to celebrate Nowruz: Peyvand Nonprofit Organization; Iranian American Community Alliance; Seattle Isfahan Sister City Advocacy; Persian Poetry Collective; One America; American Muslim Empowerment Network; Afghan Health Initiative; Kabul Washington Association.

The Speaker assumed the chair.

## SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1007  
 SUBSTITUTE HOUSE BILL NO. 1015  
 SUBSTITUTE HOUSE BILL NO. 1060  
 HOUSE BILL NO. 1061  
 SUBSTITUTE HOUSE BILL NO. 1070  
 SUBSTITUTE HOUSE BILL NO. 1101  
 HOUSE BILL NO. 1102  
 HOUSE BILL NO. 1107  
 HOUSE BILL NO. 1179  
 SUBSTITUTE HOUSE BILL NO. 1266  
 HOUSE BILL NO. 1303  
 HOUSE BILL NO. 1319  
 SUBSTITUTE HOUSE BILL NO. 1458  
 SUBSTITUTE HOUSE BILL NO. 1499  
 HOUSE BILL NO. 1540  
 SENATE BILL NO. 5003  
 SUBSTITUTE SENATE BILL NO. 5033  
 SENATE BILL NO. 5079  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5142  
 SUBSTITUTE SENATE BILL NO. 5275  
 SENATE BILL NO. 5394  
 SUBSTITUTE SENATE BILL NO. 5490  
 SUBSTITUTE SENATE BILL NO. 5729

The Speaker called upon Representative Orwall to preside.

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

## MESSAGES FROM THE SENATE

Wednesday, March 22, 2023

Mme. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1007  
 SUBSTITUTE HOUSE BILL NO. 1015  
 SUBSTITUTE HOUSE BILL NO. 1060  
 HOUSE BILL NO. 1061  
 SUBSTITUTE HOUSE BILL NO. 1070  
 SUBSTITUTE HOUSE BILL NO. 1101  
 HOUSE BILL NO. 1102  
 HOUSE BILL NO. 1107  
 HOUSE BILL NO. 1179  
 SUBSTITUTE HOUSE BILL NO. 1266

HOUSE BILL NO. 1303  
 HOUSE BILL NO. 1319  
 SUBSTITUTE HOUSE BILL NO. 1458  
 SUBSTITUTE HOUSE BILL NO. 1499  
 HOUSE BILL NO. 1540

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

Thursday, March 23, 2023

Mme. Speaker:

The President has signed:

SENATE BILL NO. 5003  
 SUBSTITUTE SENATE BILL NO. 5033  
 SENATE BILL NO. 5079  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5142  
 SUBSTITUTE SENATE BILL NO. 5275  
 SENATE BILL NO. 5394  
 SUBSTITUTE SENATE BILL NO. 5490  
 SUBSTITUTE SENATE BILL NO. 5729

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

#### INTRODUCTION & FIRST READING

HB 1849 by Representatives Lekanoff, Dent, Eslick and Low

AN ACT Relating to the establishment of a statewide elk management program; adding a new section to chapter 77.36 RCW; and declaring an emergency.

Referred to Committee on Agriculture and Natural Resources.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

#### REPORTS OF STANDING COMMITTEES

March 23, 2023

SB 5069 Prime Sponsor, Senator Rivers: Allowing interstate cannabis agreements. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Morgan; Orwall; Reeves and Waters.

MINORITY recommendation: Without recommendation. Signed by Representatives Robertson, Assistant Ranking Minority Member; and Walsh.

Referred to Committee on Rules for second reading

March 23, 2023

SB 5104 Prime Sponsor, Senator Salomon: Surveying Puget Sound marine shoreline habitat. Reported by Committee on Environment & Energy

NEW SECTION. **Sec. 1.** The legislature finds that marine nearshore habitat in Puget Sound is important for the recovery of threatened and endangered species of salmon, orcas, and marine birds. Critical nearshore components include forage fish spawning habitat, submerged aquatic vegetation, benthic substrate, adjacent upland vegetation, and the geomorphic processes that support a healthy ecosystem and food web. Establishing and regularly updating a publicly available baseline survey and map of general shoreline conditions, including the presence, location, and condition of nearshore development, is a critical tool for regulatory planning and restoration and mitigation opportunity identification by state agencies, local jurisdictions, tribal governments, and nongovernmental organizations.

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

(1) The department must conduct and maintain a baseline survey of Puget Sound marine shorelines that utilizes new technology to capture georeferenced oblique aerial and 360 degree on-the-water imagery. Nothing in this section creates a requirement for the department to perform change analysis. However, the software used must have the capacity for change analysis review. These identified technologies are intended to be a minimum requirement and the department may utilize and incorporate additional tools and technologies as they become available. The survey must document and map existing general shoreline conditions, structures, and structure conditions. This information must be available to the public and incorporated into state geographic information system mapping.

(2) The initial marine oblique aerial and on-the-water imagery must be completed and publicly available by December 31, 2024, and updated on a regular two-year cycle thereafter. The survey to document and map existing shoreline conditions, structures, and structure conditions must be completed and publicly available by June 30, 2025, and updated on a regular two-year cycle thereafter.

(3) For the purposes of this section, "Puget Sound" means Puget Sound and related inland salt waters of the state of Washington inside the boundary line between Washington and British Columbia, the Strait of Juan de Fuca, Hood Canal, and the San Juan Islands.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."



Correct the title.

Committee on State Government & Tribal Relations

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

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno; Barnard; Couture; and Goehner.

MINORITY recommendation: Without recommendation. Signed by Representatives Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

March 22, 2023

2SSB 5120 Prime Sponsor, Ways & Means: Establishing crisis relief centers in Washington state. Reported by Committee on Health Care & Wellness

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

Referred to Committee on Appropriations

March 23, 2023

SB 5131 Prime Sponsor, Senator Wilson, C.: Concerning money received by the department of corrections on behalf of inmates from family or other outside sources for the purchase of commissary items. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

March 22, 2023

SSB 5170 Prime Sponsor, State Government & Elections: Concerning funding and expenditures for legislative organizations by legislators who serve as elected leaders of those organizations. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

MINORITY recommendation: Do not pass. Signed by Representative Abbarno, Ranking Minority Member.

Referred to Committee on Rules for second reading

March 22, 2023

SSB 5182 Prime Sponsor, State Government & Elections: Concerning procedures and deadlines for candidate filing. Reported by

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Gregerson and Mena.

MINORITY recommendation: Without recommendation. Signed by Representatives Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

March 22, 2023

SSB 5191 Prime Sponsor, Law & Justice: Reforming the real estate agency law. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.86.010 and 2013 c 58 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency relationship" means the agency relationship created under this chapter (~~(or by written agreement)~~) between a real estate firm and a (~~buyer and/or seller relating to the performance of real estate brokerage services~~) principal.

(2) "Agent" means a broker who has (~~entered into~~) an agency relationship with a (~~buyer or seller~~) principal, including the firm's designated broker and any managing broker responsible for the supervision of that broker.

(3) "Broker" means broker, managing broker, and designated broker, collectively, as defined in chapter 18.85 RCW, unless the context requires the terms to be considered separately.

(4) "Brokerage services agreement" or "services agreement" means a written agreement between a real estate firm and principal that appoints a broker to represent the principal as an agent and sets forth the terms required by RCW 18.86.020 and 18.86.080.

(5) "Business opportunity" means and includes a business, business opportunity, and goodwill of an existing business, or any one or combination thereof when the transaction or business includes an interest in real property.

~~((+5))~~ (6) "Buyer" means an actual or prospective purchaser in a real estate transaction, or an actual or prospective tenant in a real estate rental or lease transaction, as applicable.

~~((+6))~~ (7) "Buyer's agent" means a broker who has (~~entered into~~) an agency relationship with only the buyer in a real estate transaction (~~(, and includes subagents engaged by a buyer's agent)~~).

~~((+7))~~ (8) "Commercial real estate" has the same meaning as in RCW 60.42.005.

(9) "Confidential information" means information from or concerning a principal ~~((of a broker))~~ that:

(a) Was acquired by the broker during the course of an agency relationship with the principal;

(b) The principal reasonably expects to be kept confidential;

(c) The principal has not disclosed or authorized to be disclosed to third parties;

(d) Would, if disclosed, operate to the detriment of the principal; and

(e) The principal personally would not be obligated to disclose to the other party.

~~((9))~~ ~~(10)~~ "Limited dual agent" means a broker who has ~~((entered into))~~ an agency relationship with both the buyer and seller in the same transaction.

~~((9))~~ (11) "Material fact" means information that substantially adversely affects the value of the property or a party's ability to perform its obligations in a real estate transaction, or operates to materially impair or defeat the purpose of the transaction. The fact or suspicion that the property, or any neighboring property, is or was the site of a murder, suicide or other death, rape or other sex crime, assault or other violent crime, robbery or burglary, illegal drug activity, gang-related activity, political or religious activity, or other act, occurrence, or use not adversely affecting the physical condition of or title to the property is not a material fact.

~~((10))~~ (12) "Principal" means a buyer or a seller who has ~~((entered into))~~ an agency relationship with a broker.

~~((11))~~ (13) "Real estate brokerage services" means the rendering of services for which a real estate license is required under chapter 18.85 RCW.

~~((12))~~ (14) "Real estate firm" or "firm" have the same meaning as defined in chapter 18.85 RCW.

~~((13))~~ (15) "Real estate transaction" or "transaction" means an actual or prospective transaction involving a purchase, sale, option, or exchange of any interest in real property or a business opportunity, or a lease or rental of real property. For purposes of this chapter, a prospective transaction does not exist until a written offer has been signed by at least one ~~((of the parties))~~ party.

~~((14))~~ (16) "Seller" means an actual or prospective seller in a real estate transaction, or an actual or prospective landlord in a real estate rental or lease transaction, as applicable.

~~((15))~~ (17) "Seller's agent" means a broker who has ~~((entered into))~~ an agency relationship with only the seller in a real estate transaction ~~(, and includes subagents engaged by a seller's agent.~~

~~(16) "Subagent" means a broker who is engaged to act on behalf of a principal by the principal's agent where the principal has authorized the broker in writing to appoint subagents).~~

**Sec. 2.** RCW 18.86.020 and 2013 c 58 s 2 are each amended to read as follows:

(1) A broker who performs real estate brokerage services for a buyer is a buyer's agent unless the:

(a) Broker's firm has appointed the broker to represent the seller pursuant to a ~~((written agency))~~ services agreement between the firm and the seller, in which case the broker is a seller's agent;

~~(b) ((Broker has entered into a subagency agreement with the seller's agent's firm, in which case the broker is a seller's agent;~~

~~(e))~~ Broker's firm has appointed the broker to represent the seller pursuant to a ~~((written agency))~~ services agreement between the firm and the seller, and the broker's firm has also appointed the broker to represent the buyer pursuant to a ~~((written agency))~~ services agreement between the firm and the buyer, in which case the appointed broker is a limited dual agent; or

~~((d))~~ (c) Broker is the seller or one of the sellers ~~(, or~~

~~(e) Parties agree otherwise in writing after the broker has complied with RCW 18.86.030(1)(f).~~

~~(2) In a transaction in which different brokers affiliated with the same firm represent different parties, the firm's designated broker and any managing broker responsible for the supervision of both brokers, is a dual agent, and must obtain the written consent of both parties as required under RCW 18.86.060. In such case, each of the brokers shall solely represent the party with whom the broker has an agency relationship, unless all parties agree in writing that the broker is a dual agent.~~

~~(3) A broker may work with a party in separate transactions pursuant to different relationships, including, but not limited to, representing a party in one transaction and at the same time not representing that party in a different transaction involving that party, if the broker complies with this chapter in establishing the relationships for each transaction).~~

(2)(a) A firm must enter into a services agreement with the principal before, or as soon as reasonably practical after, its appointed broker commences rendering real estate brokerage services to, or on behalf of, the principal.

(b) The services agreement must include the following:

(i) The term of the agreement, and if the principal is a buyer, a default term of 60 days with the option of a longer term;

(ii) The broker appointed as an agent for the principal;

(iii) Whether the agency relationship is exclusive or nonexclusive, and if the principal is a buyer, checkbox options for the buyer to select either an exclusive or nonexclusive relationship;

(iv) Whether the principal consents to the broker appointed as an agent for the principal to act as a limited dual agent, which consent must be separately initialed by the principal and include an acknowledgment from the principal that a limited dual agent may not advocate terms favorable to one principal to the detriment of the other principal and is further limited as set forth in RCW 18.86.060; and

(v) Whether the principal consents to the firm's designated broker and any managing

broker responsible for the supervision of the broker appointed as an agent for the principal to act as a limited dual agent in a transaction in which different brokers affiliated with the same firm represent different parties.

(3) A services agreement is not required when a broker performs real estate brokerage services as a buyer's agent solely for commercial real estate.

(4) A broker may work with a party in separate transactions pursuant to different relationships including, but not limited to, representing a party in one transaction and at the same time not representing that party in a different transaction involving that party, if the broker complies with this chapter in establishing the relationships for each transaction.

**Sec. 3.** RCW 18.86.030 and 2013 c 58 s 3 are each amended to read as follows:

(1) ~~((Regardless of whether a broker is an agent, the))~~ A broker owes ~~((to all parties to whom the broker renders real estate brokerage services))~~ the following duties to their principal and to all parties in a transaction, which may not be waived:

(a) To exercise reasonable skill and care;

(b) To deal honestly and in good faith;

(c) To present all written offers, written notices and other written communications to and from either party in a timely manner, regardless of whether the property is subject to an existing contract for sale or the buyer is already a party to an existing contract to purchase;

(d) To disclose all existing material facts known by the broker and not apparent or readily ascertainable to a party; provided that this subsection shall not be construed to imply any duty to investigate matters that the broker has not agreed to investigate;

(e) To account in a timely manner for all money and property received from or on behalf of either party;

(f) To provide a pamphlet ~~((on the law of real estate agency))~~ in the form prescribed ~~((in))~~ by RCW 18.86.120 and obtain an acknowledgment of receipt by the party. The pamphlet shall be provided to ~~((all parties))~~:

(i) Any party to whom the broker renders real estate brokerage services ~~((, before the party signs an agency agreement with the broker, signs an offer in a real estate transaction handled by the broker, consents to dual agency, or waives any rights, under RCW 18.86.020(1)(e), 18.86.040(1)(e), 18.86.050(1)(e), or 18.86.060(2)(e) or (f), whichever occurs earliest, and~~

(g) To disclose in writing to all parties to whom the broker renders real estate brokerage services, before the party signs an offer in a real estate transaction handled by the broker, whether)) as soon as reasonably practical but before the party signs a services agreement; and

(ii) Any party not represented by a broker in a transaction before the party signs an offer or as soon as reasonably practical; and

(g) To disclose in writing before the broker's principal signs an offer, or as soon as reasonably practical, but before the parties reach mutual agreement:

(i) Whether the broker represents the buyer as the buyer's agent, the seller as the seller's agent, or both parties ~~((, or neither party))~~ as a limited dual agent. The disclosure shall be set forth in a separate paragraph ~~((entitled))~~ titled "Agency Disclosure" in the agreement between the buyer and seller or in a separate writing ~~((entitled))~~ titled "Agency Disclosure ~~((-))~~"; and

(ii) Any terms of compensation offered by a party or a real estate firm to a real estate firm representing another party.

(2) Unless otherwise agreed, a broker owes no duty to conduct an independent inspection of the property or to conduct an independent investigation of either party's financial condition, and owes no duty to independently verify the accuracy or completeness of any statement made by either party or by any source reasonably believed by the broker to be reliable.

**Sec. 4.** RCW 18.86.040 and 2013 c 58 s 5 are each amended to read as follows:

(1) Unless additional duties are agreed to in writing signed by a seller's agent, the duties of a seller's agent are limited to those set forth in RCW 18.86.030 and the following, which may not be waived except as expressly set forth in (e) of this subsection:

(a) To be loyal to the seller by taking no action that is adverse or detrimental to the seller's interest in a transaction;

(b) To timely disclose to the seller any conflicts of interest;

(c) To advise the seller to seek expert advice on matters relating to the transaction that are beyond the agent's expertise;

(d) ~~((Not to))~~ To not disclose any confidential information from or about the seller, except under subpoena or court order, even after termination of the agency relationship; and

(e) Unless otherwise agreed to in writing after the seller's agent has complied with RCW 18.86.030(1)(f), to make a good faith and continuous effort to find a buyer for the property; except that a seller's agent is not obligated to seek additional offers to purchase the property while the property is subject to an existing contract for sale.

(2)(a) The showing of properties not owned by the seller to prospective buyers or the listing of competing properties for sale by a seller's agent does not in and of itself breach the duty of loyalty to the seller or create a conflict of interest.

(b) The representation of more than one seller by different brokers affiliated with the same firm in competing transactions involving the same buyer does not in and of itself breach the duty of loyalty to the sellers or create a conflict of interest.

**Sec. 5.** RCW 18.86.050 and 2013 c 58 s 6 are each amended to read as follows:

(1) Unless additional duties are agreed to in writing signed by a buyer's agent, the

duties of a buyer's agent are limited to those set forth in RCW 18.86.030 and the following, which may not be waived except as expressly set forth in (e) of this subsection:

(a) To be loyal to the buyer by taking no action that is adverse or detrimental to the buyer's interest in a transaction;

(b) To timely disclose to the buyer any conflicts of interest;

(c) To advise the buyer to seek expert advice on matters relating to the transaction that are beyond the agent's expertise;

(d) ~~((Not to))~~ To not disclose any confidential information from or about the buyer, except under subpoena or court order, even after termination of the agency relationship; and

(e) Unless otherwise agreed to in writing after the buyer's agent has complied with RCW 18.86.030(1)(f), to make a good faith and continuous effort to find a property for the buyer; except that a buyer's agent is not obligated to ~~((; (i) Seek))~~ seek additional properties to purchase while the buyer is a party to an existing contract to purchase ~~((; or (ii) show properties as to which there is no written agreement to pay compensation to the buyer's agent))~~.

(2)(a) The showing of property in which a buyer is interested to other prospective buyers by a buyer's agent does not in and of itself breach the duty of loyalty to the buyer or create a conflict of interest.

(b) The representation of more than one buyer by different brokers affiliated with the same firm in competing transactions involving the same property does not in and of itself breach the duty of loyalty to the buyer or create a conflict of interest.

**Sec. 6.** RCW 18.86.060 and 2013 c 58 s 7 are each amended to read as follows:

(1) ~~((Notwithstanding any other provision of this chapter, a))~~ A broker may act as a limited dual agent only with the written consent of both parties to the transaction ~~((after the dual agent has complied with RCW 18.86.030(1)(f), which consent must include a statement of the terms of compensation))~~ set forth in the services agreement.

(2) Unless additional duties are agreed to in writing signed by a limited dual agent, the duties of a limited dual agent are limited to those set forth in RCW 18.86.030 and the following, which may not be waived except as expressly set forth in (e) and (f) of this subsection:

(a) To take no action that is adverse or detrimental to either party's interest in a transaction;

(b) To timely disclose to both parties any conflicts of interest;

(c) To advise both parties to seek expert advice on matters relating to the transaction that are beyond the limited dual agent's expertise;

(d) ~~((Not to))~~ To not disclose any confidential information from or about either party, except under subpoena or court order, even after termination of the agency relationship;

(e) Unless otherwise agreed to in writing after the limited dual agent has complied

with RCW 18.86.030(1)(f), to make a good faith and continuous effort to find a buyer for the property; except that a limited dual agent is not obligated to seek additional offers to purchase the property while the property is subject to an existing contract for sale; and

(f) Unless otherwise agreed to in writing after the limited dual agent has complied with RCW 18.86.030(1)(f), to make a good faith and continuous effort to find a property for the buyer; except that a limited dual agent is not obligated to ~~((; (i) Seek))~~ seek additional properties to purchase while the buyer is a party to an existing contract to purchase ~~((; or (ii) show properties as to which there is no written agreement to pay compensation to the dual agent))~~.

(3)(a) The showing of properties not owned by the seller to prospective buyers or the listing of competing properties for sale by a limited dual agent does not in and of itself constitute action that is adverse or detrimental to the seller or create a conflict of interest.

(b) The representation of more than one seller by different brokers licensed to the same firm in competing transactions involving the same buyer does not in and of itself constitute action that is adverse or detrimental to the sellers or create a conflict of interest.

(4)(a) The showing of property in which a buyer is interested to other prospective buyers or the presentation of additional offers to purchase property while the property is subject to a transaction by a limited dual agent does not in and of itself constitute action that is adverse or detrimental to the buyer or create a conflict of interest.

(b) The representation of more than one buyer by different brokers licensed to the same firm in competing transactions involving the same property does not in and of itself constitute action that is adverse or detrimental to the buyers or create a conflict of interest.

(5) In a transaction in which different brokers affiliated with the same firm represent different parties, the firm's designated broker, and any managing broker responsible for the supervision of both brokers, is a limited dual agent. In such case, each appointed broker shall solely represent the party with whom the appointed broker has an agency relationship.

**Sec. 7.** RCW 18.86.070 and 2013 c 58 s 8 are each amended to read as follows:

(1) The agency relationships ~~((set forth in this chapter commence at the time that the broker undertakes to provide real estate brokerage services to a principal and))~~ established pursuant to this chapter continue until the earliest of the following:

(a) Completion of performance by the broker;

(b) Expiration of the term agreed upon by the parties;

(c) Termination of the relationship by mutual agreement of the parties; or

(d) Termination of the relationship by notice from either party to the other. However, such a termination does not otherwise affect the contractual rights of either party.

(2) Except as otherwise agreed to in writing, a broker owes no further duty after termination of the agency relationship, other than the ~~((duties of))~~ duty:

(a) ~~((Accounting))~~ To account for all moneys and property received during the relationship; and

(b) ~~((Not disclosing))~~ To not disclose confidential information.

**Sec. 8.** RCW 18.86.080 and 2013 c 58 s 9 are each amended to read as follows:

(1) In any real estate transaction, a firm's compensation may be paid by the seller, the buyer, a third party, or by sharing the compensation between firms.

(2) An agreement to pay or payment of compensation does not establish an agency relationship between the party who paid the compensation and the broker.

(3) A seller may agree that a seller's agent's firm may share with another firm the compensation paid by the seller.

(4) A buyer may agree that a buyer's agent's firm may share with another firm the compensation paid by the buyer.

(5) A firm may be compensated by more than one party for real estate brokerage services in a real estate transaction ~~((if those parties consent in writing at or before the time of signing an offer in the transaction))~~.

(6) A firm may receive compensation based on the purchase price without breaching any duty to the buyer or seller.

(7) ~~((Nothing contained in this chapter negates the requirement that an agreement authorizing or employing a broker to sell or purchase real estate for compensation or a commission be in writing and signed by the seller or buyer.))~~ To receive compensation for rendering real estate brokerage services from any party or firm, a real estate firm must have a services agreement containing the following:

(a) The terms of compensation, including:

(i) The amount the principal agrees to compensate the firm;

(ii) The principal's consent, if any, and any terms of such consent, to compensation sharing between firms and parties; and

(iii) The principal's consent, if any, and any terms of such consent, to compensation of the firm by more than one party;

(b) In a services agreement with a buyer, whether the appointed broker agrees to show the buyer properties if there is no agreement or offer by any party or firm to pay compensation to the firm; and

(c) Any other agreements between the parties.

(8) In lieu of obtaining a services agreement, a broker rendering real estate brokerage services to a buyer solely for commercial real estate may disclose in writing to the buyer, before the buyer signs an offer with regard to such commercial real estate, the sources and amounts of any compensation the broker has or expects to

receive from any party in conjunction with such transaction. The disclosure shall be set forth in a separate paragraph titled "Compensation Disclosure" in the agreement between the buyer and seller or in a separate writing titled "Compensation Disclosure."

(9) A firm may receive compensation without a services agreement for the provision of a broker's price opinion, as defined in RCW 18.85.011, or a referral by one firm to another firm if the referring firm provided no real estate brokerage services in the transaction.

**Sec. 9.** RCW 18.86.090 and 2013 c 58 s 10 are each amended to read as follows:

~~((1))~~ A principal is not liable for an act, error, or omission by an agent ~~((or subagent))~~ of the principal arising out of an agency relationship:

~~((a))~~ (1) Unless the principal participated in or authorized the act, error, or omission; or

~~((b))~~ (2) Except to the extent that: ~~((i))~~ (a) The principal benefited from the act, error, or omission; and ~~((ii))~~ (b) the court determines that it is highly probable that the claimant would be unable to enforce a judgment against the agent ~~((or subagent))~~.

~~((2) A broker is not liable for an act, error, or omission of a subagent under this chapter, unless that broker participated in or authorized the act, error or omission. This subsection does not limit the liability of a firm for an act, error, or omission by a broker licensed to the firm.))~~

**Sec. 10.** RCW 18.86.100 and 2013 c 58 s 11 are each amended to read as follows:

~~((1))~~ Unless otherwise agreed to in writing, a principal does not have knowledge or notice of any facts known by an agent ~~((or subagent))~~ of the principal that are not actually known by the principal.

~~((2) Unless otherwise agreed to in writing, a broker does not have knowledge or notice of any facts known by a subagent that are not actually known by the broker. This subsection does not limit the knowledge imputed to the designated broker or any managing broker responsible for the supervision of the broker of any facts known by the broker.))~~

**Sec. 11.** RCW 18.86.120 and 2013 c 58 s 13 are each amended to read as follows:

~~((1))~~ The pamphlet required under RCW 18.86.030(1)(f) shall ~~((consist of the entire text of RCW 18.86.010 through 18.86.030 and 18.86.040 through 18.86.110 with a separate cover page. The pamphlet shall be 8 1/2 by 11 inches in size, the text shall be in print no smaller than 10-point type, the cover page shall be in print no smaller than 12-point type, and the title of the cover page "The Law of Real Estate Agency" shall be in print no smaller than 18-point type. The cover page shall be in the following form:))~~

**The Law of Real Estate Agency**

~~This pamphlet describes your legal rights in dealing with a real estate firm or broker. Please read it carefully before signing any documents.~~

The following is only a brief summary of the attached law:

Sec. 1. Definitions. Defines the specific terms used in the law.

Sec. 2. Relationships between Brokers and the Public. Prescribes that a broker who works with a buyer or tenant represents that buyer or tenant unless the broker is the listing agent, a seller's subagent, a dual agent, the seller personally or the parties agree otherwise. Also prescribes that in a transaction involving two different brokers licensed to the same real estate firm, the firm's designated broker and any managing broker responsible for the supervision of both brokers, are dual agents and each broker solely represents his or her client unless the parties agree in writing that both brokers are dual agents.

Sec. 3. Duties of a Broker Generally. Prescribes the duties that are owed by all brokers, regardless of who the broker represents. Requires disclosure of the broker's agency relationship in a specific transaction.

Sec. 4. Duties of a Seller's Agent. Prescribes the additional duties of a broker representing the seller or landlord only.

Sec. 5. Duties of a Buyer's Agent. Prescribes the additional duties of a broker representing the buyer or tenant only.

Sec. 6. Duties of a Dual Agent. Prescribes the additional duties of a broker representing both parties in the same transaction, and requires the written consent of both parties to the broker acting as a dual agent.

Sec. 7. Duration of Agency Relationship. Describes when an agency relationship begins and ends. Provides that the duties of accounting and confidentiality continue after the termination of an agency relationship.

Sec. 8. Compensation. Allows real estate firms to share compensation with cooperating real estate firms. States that payment of compensation does not necessarily establish an agency relationship. Allows brokers to receive compensation from more than one party in a transaction with the parties' consent.

Sec. 9. Vicarious Liability. Eliminates the liability of a party for the conduct of the party's agent or subagent, unless the principal participated in or benefited from the conduct or the agent or subagent is insolvent. Also limits the liability of a broker for the conduct of a subagent.

Sec. 10. Imputed Knowledge and Notice. Eliminates the common law rule that

~~notice to or knowledge of an agent constitutes notice to or knowledge of the principal.~~

~~Sec. 11. Interpretation. This law establishes statutory duties which replace common law fiduciary duties owed by an agent to a principal.~~

~~Sec. 12. Short Sale. Prescribes an additional duty of a firm representing the seller of owner-occupied real property in a short sale.~~

(2) (a) The pamphlet required under RCW 18.86.030(1)(f) must also include the following disclosure: When the seller of owner-occupied residential real property enters into a listing agreement with a real estate firm where the proceeds from the sale may be insufficient to cover the costs at closing, it is the responsibility of the real estate firm to disclose to the seller in writing that the decision by any beneficiary or mortgagee, or its assignees, to release its interest in the real property, for less than the amount the borrower owes, does not automatically relieve the seller of the obligation to pay any debt or costs remaining at closing, including fees such as the real estate firm's commission.

(b) For the purposes of this subsection, "owner-occupied real property" means real property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit that is the principal residence of the borrower) be formatted so it can be easily reviewed by a buyer or seller, including a legible font and font size. The pamphlet shall be in the following form:

### **Real Estate Brokerage in Washington**

#### **Introduction**

This pamphlet provides general information about real estate brokerage and summarizes the laws related to real estate brokerage relationships. It describes a real estate broker's duties to the seller/landlord and buyer/tenant. Detailed and complete information about real estate brokerage relationships is available in chapter 18.86 RCW.

If you have any questions about the information in this pamphlet, contact your broker or the designated broker of your broker's firm.

#### **Licensing and Supervision of Brokers**

To provide real estate brokerage services in Washington, a broker must be licensed under chapter 18.85 RCW and licensed with a real estate firm, which also must be licensed. Each real estate firm has a designated broker who is responsible for supervising the brokers licensed with the firm. Some firms may have branch offices that are supervised by a branch manager and some firms may delegate certain supervisory duties to one or more managing brokers.

The Washington State Department of Licensing is responsible for enforcing all laws and rules relating to the conduct of real estate firms and brokers.

**Agency Relationship**

In an agency relationship, a broker is referred to as an "agent" and the seller/landlord and buyer/tenant is referred to as the "principal." For simplicity, in this pamphlet, seller includes landlord, and buyer includes tenant.

**For Sellers**

A real estate firm and broker must enter into a written services agreement with a seller to establish an agency relationship. The firm will then appoint one or more brokers to be agents of the seller. The firm's designated broker and any managing broker responsible for the supervision of those brokers are also agents of the seller.

**For Buyers**

A real estate firm and broker(s) who perform real estate brokerage services for a buyer establish an agency relationship by performing those services. The firm's designated broker and any managing broker responsible for the supervision of that broker are also agents of the buyer. A written services agreement between the buyer and the firm must be entered into before, or as soon as reasonably practical after, a broker begins rendering real estate brokerage services to the buyer.

**For both Buyer and Seller - as a Limited Dual Agent**

A limited dual agent provides limited representation to both the buyer and the seller in a transaction. Limited dual agency requires the consent of each principal in a written services agreement and may occur in two situations: (1) When the buyer and the seller are represented by the same broker, in which case the broker's designated broker and any managing broker responsible for the supervision of that broker are also limited dual agents; and (2) when the buyer and the seller are represented by different brokers in the same firm, in which case each broker solely represents the principal the broker was appointed to represent, but the broker's designated broker and any managing broker responsible for the supervision of those brokers are limited dual agents.

**Duration of Agency Relationship**

Once established, an agency relationship continues until the earliest of the following:

- (1) Completion of performance by the broker;
- (2) Expiration of the term agreed upon by the parties;
- (3) Termination of the relationship by mutual agreement of the parties; or
- (4) Termination of the relationship by notice from either party to the other. However, such a termination does not affect the contractual rights of either party.

**Written Services Agreement**

A written services agreement between the firm and principal must contain the following:

- (1) The term (duration) of the agreement;
- (2) Name of the broker(s) appointed to act as an agent for the principal;

(3) Whether the agency relationship is exclusive (which does not allow the principal to enter into an agency relationship with another firm during the term) or nonexclusive (which allows the principal to enter into an agency relationship with multiple firms at the same time);

(4) Whether the principal consents to limited dual agency;

(5) The terms of compensation;

(6) In an agreement with a buyer, whether the broker agrees to show a property when there is no agreement or offer by any party or firm to pay compensation to the broker's firm; and

(7) Any other agreements between the parties.

**A Broker's Duties to All Parties**

A broker owes the following duties to all parties in a transaction:

(1) To exercise reasonable skill and care;

(2) To deal honestly and in good faith;

(3) To timely present all written offers, written notices, and other written communications to and from either party;

(4) To disclose all existing material facts known by the broker and not apparent or readily ascertainable to a party. A material fact includes information that substantially adversely affects the value of the property or a party's ability to perform its obligations in a transaction, or operates to materially impair or defeat the purpose of the transaction. However, a broker does not have any duty to investigate matters that the broker has not agreed to investigate;

(5) To account in a timely manner for all money and property received from or on behalf of either party;

(6) To provide this pamphlet to all parties to whom the broker renders real estate brokerage services and to any unrepresented party;

(7) To disclose in writing who the broker represents; and

(8) To disclose in writing any terms of compensation offered by a party or a real estate firm to a real estate firm representing another party.

**A Broker's Duties to the Buyer or Seller**

A broker owes the following duties to their principal (either the buyer or seller):

(1) To be loyal to their principal by taking no action that is adverse or detrimental to their principal's interest in a transaction;

(2) To timely disclose to their principal any conflicts of interest;

(3) To advise their principal to seek expert advice on matters relating to the transaction that are beyond the broker's expertise;

(4) To not disclose any confidential information from or about their principal; and

(5) To make a good faith and continuous effort to find a property for the buyer or to find a buyer for the seller's property, until the principal has entered a contract for the purchase or sale of property or as agreed otherwise in writing.

**Limited Dual Agent Duties**

A limited dual agent may not advocate terms favorable to one principal to the detriment of the other principal. A broker, acting as a limited dual agent, owes the following duties to both the buyer and seller:

(1) To take no action that is adverse or detrimental to either principal's interest in a transaction;

(2) To timely disclose to both principals any conflicts of interest;

(3) To advise both principals to seek expert advice on matters relating to the transaction that are beyond the limited dual agent's expertise;

(4) To not disclose any confidential information from or about either principal; and

(5) To make a good faith and continuous effort to find a property for the buyer and to find a buyer for the seller's property, until the principals have entered a contract for the purchase or sale of property or as agreed otherwise in writing.

**Compensation**

In any real estate transaction, a firm's compensation may be paid by the seller, the buyer, a third party, or by sharing the compensation between firms. To receive compensation from any party, a firm must have a written services agreement with the party the firm represents (or provide a "Compensation Disclosure" to the buyer in a transaction for commercial real estate).

A services agreement must contain the following regarding compensation:

(1) The amount the principal agrees to compensate the firm for broker's services as an agent or limited dual agent;

(2) The principal's consent, if any, and any terms of such consent, to compensation sharing between firms and parties; and

(3) The principal's consent, if any, and any terms of such consent, to compensation of the firm by more than one party.

**Short Sales**

A "short sale" is a transaction where the seller's proceeds from the sale are insufficient to cover seller's obligations at closing (e.g., the seller's outstanding mortgage is greater than the sale price). If a sale is a short sale, the seller's real estate firm must disclose to the seller that the decision by any beneficiary or mortgagee, to release its interest in the property for less than the amount the seller owes to allow the sale to proceed, does not automatically relieve the seller of the obligation to pay any debt or costs remaining at closing, including real estate firms' compensation.

**NEW SECTION. Sec. 12.** This act takes effect January 1, 2024."

Correct the title.

Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

March 22, 2023

**ESSB 5207**

Prime Sponsor, State Government & Elections: Concerning campaign contributions by controlled entities. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17A.455 and 2010 c 204 s 609 are each amended to read as follows:

For purposes of this chapter:

(1) A contribution by a political committee with funds that have all been contributed by one person who exercises exclusive control over the distribution of the funds of the political committee is a contribution by the controlling person.

(2) Two or more entities are treated as a single entity if one of the two or more entities is a subsidiary, branch, or department of a corporation that is participating in an election campaign or making contributions, or a local unit or branch of a trade association, labor union, or collective bargaining association that is participating in an election campaign or making contributions. All contributions made by a person or political committee whose contribution or expenditure activity is financed, maintained, or controlled by a trade association, labor union, collective bargaining organization, or the local unit of a trade association, labor union, or collective bargaining organization are considered made by the trade association, labor union, collective bargaining organization, or local unit of a trade association, labor union, or collective bargaining organization.

(3) The contribution of any entity must be aggregated with the contributions made by each individual who owns or holds a majority interest in the entity.

(4) Two or more entities are treated as a single entity and share a contribution limit if:

(a) One of the entities is established, financed, maintained, or controlled by the other; or

(b) The same individual owns or holds a majority interest in each entity.

(5) The commission shall adopt rules to carry out this section and is not subject to the time restrictions of RCW 42.17A.110(1).

**NEW SECTION. Sec. 2.** A new section is added to chapter 42.17A RCW to read as follows:

(1) Any limited liability company that has registered with the secretary of state under chapter 23.95 RCW and has not elected to be classified as a corporation under the federal tax code may make contributions only if the company has:

(a) Been in existence for at least one year prior to making contributions; and



(b) Electronically filed with the commission a declaration that the company is a legitimate business with a legitimate business interest and is not created for the sole purpose of making campaign contributions.

(2) The commission shall develop a method for limited liability companies to file the declaration required under subsection (1)(b) of this section. The commission shall post all information submitted pursuant to this section on its website on a public page in a searchable format."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

March 22, 2023

SSB 5208 Prime Sponsor, State Government & Elections: Updating the process for online voter registration by allowing voter applicants to provide the last four digits of social security number for authentication. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.08.123 and 2019 c 6 s 3 are each amended to read as follows:

(1) A person qualified to vote who has a valid:

(a) Washington state driver's license((r));

(b) Washington state identification card((r-OR));

(c) Washington state learner's permit;

(d) Current Washington tribal identification; or

(e) Social Security number, may submit a voter registration application electronically on the secretary of state's website, and provide either the state issued identification number, the tribal identification number, or the last four digits of the person's social security number. ((A person who has a valid tribal identification card may submit a voter registration electronically on the secretary of state's website if the secretary of state is able to obtain a copy of the applicant's signature from the federal government or the tribal government.))

(2) The applicant must attest to the truth of the information provided on the application and confirm the applicant's United States citizenship by reviewing the registration oath online and affirmatively accepting the information as true.

(3) ((The)) For applicants using Washington state issued identification, the applicant must affirmatively assent to use of ((his or her)) the applicant's driver's

license((r)) or state identification card((r or tribal identification card)) signature for voter registration purposes.

(4) For applicants who are not using Washington state issued identification, the applicant must submit a signature image by either submitting a signature image to the secretary of state, or submitting a signature image as part of the confirmation notice process.

(5) A voter registration application submitted electronically is otherwise considered a registration by mail.

((45)) (6) For each electronic application, the secretary of state must obtain a digital copy of the applicant's driver's license or state identification card signature from the department of licensing, the voter, or tribal identification issuing authority.

((46)) (7) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter registration applications submitted electronically.

NEW SECTION. Sec. 2. This act takes effect July 15, 2024."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Low.

Referred to Committee on Appropriations

March 22, 2023

SB 5228 Prime Sponsor, Senator Dhingra: Providing occupational therapy services for persons with behavioral health disorders. Reported by Committee on Health Care & Wellness

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

Referred to Committee on Appropriations

March 22, 2023

SB 5242 Prime Sponsor, Senator Cleveland: Prohibiting cost sharing for abortion. Reported by Committee on Health Care & Wellness

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

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

Referred to Committee on Appropriations

March 22, 2023

SSB 5261 Prime Sponsor, Labor & Commerce: Concerning cemetery authority permit, license, or endorsement deadlines. Reported by Committee on Consumer Protection & Business

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

Referred to Committee on Rules for second reading

March 22, 2023

SSB 5381 Prime Sponsor, State Government & Elections: Concerning letters of recommendation or congratulations sent by legislators. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

March 22, 2023

SB 5421 Prime Sponsor, Senator Conway: Exempting benefit enrollment information collected and maintained by the health care authority from public inspection and copying under the public records act. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

March 22, 2023

2SSB 5532 Prime Sponsor, Ways & Means: Providing enhanced payment to low volume, small rural hospitals. Reported by Committee on Health Care & Wellness

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

Referred to Committee on Appropriations

March 22, 2023

SSB 5542 Prime Sponsor, Law & Justice: Preventing the destruction of electric vehicle supply equipment. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking

Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

March 22, 2023

SSB 5581 Prime Sponsor, Health & Long Term Care: Developing strategies to reduce or eliminate deductibles for maternal support services and postpartum care. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The office of the insurance commissioner shall conduct an analysis of how health plans define, cover, and reimburse for maternity care services, including prenatal, delivery, and postpartum care, and make recommendations regarding methods to reduce or eliminate deductibles and other forms of cost sharing for maternity care services.

(2) In conducting the analysis, the office of the insurance commissioner shall:

(a) Obtain necessary information regarding health plans offered by carriers with more than one percent accident and health market share based upon the insurance commissioner's most recent annual market information report and health plans offered to public employees under chapter 41.05 RCW to evaluate:

(i) How health plan benefit designs define maternity care services;

(ii) Whether and to what extent maternity care services are subject to deductibles and other cost-sharing requirements;

(iii) Which maternity care services are considered preventive services under section 2713 of the federal public health service act (42 U.S.C. Sec. 300gg et seq.) and implementing federal regulations in effect on the effective date of this section and are therefore exempt from cost sharing;

(iv) The five most used maternity care reimbursement methodologies used by each carrier; and

(v) With respect to reimbursement methodologies that bundle payment for maternity care services, which specific services are included in the bundled payment;

(b) Estimate the total and per member per month impact on health plan rates of eliminating cost sharing for maternity care services in full, or for prenatal care only, for the following markets:

(i) Individual health plans other than cascade select plans;

(ii) Cascade select health plans;

(iii) Small group health plans;

(iv) Large group health plans;

(v) Health plans offered to public employees under chapter 41.05 RCW; and

(vi) All health plans in the aggregate.

(3) The office of the insurance commissioner shall submit a report on the findings and cost estimate to the appropriate committees of the legislature by July 1, 2024. The report must also include

recommendations for methods to reduce or eliminate deductibles and other forms of cost sharing for maternity care services.

(4) The office of the insurance commissioner may contract for all or a portion of the analysis required in this section."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

March 22, 2023

SB 5595 Prime Sponsor, Senator Wilson, J.: Adopting the evergreen state as the state nickname. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

March 21, 2023

E2SSB 5634 Prime Sponsor, Ways & Means: Concerning problem gambling. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Reeves and Waters.

MINORITY recommendation: Do not pass. Signed by Representative Walsh.

Referred to Committee on Finance

March 22, 2023

ESB 5650 Prime Sponsor, Senator Rolfes: Concerning salary inflationary increases for K-12 employees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Schmick; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; and Sandlin.

MINORITY recommendation: Without recommendation. Signed by Representative Steele.

Referred to Committee on Rules for second reading

March 22, 2023

### SB 5700

Prime Sponsor, Senator Van De Wege: Modernizing state health care authority related laws. Reported by Committee on Health Care & Wellness

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

Referred to Committee on Rules for second reading

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 sixth order of business.

### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5028, by Senate Committee on Law & Justice (originally sponsored by Pedersen, Wagoner, Dhingra, Frame, Hunt, Keiser, Kuderer, Lias, Nobles, Randall, Saldaña, Shewmake, Stanford, Wellman and Wilson, C.)**

**Revising the process for individuals to request name changes.**

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 Hansen spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

### MOTION

On motion of Representative Griffey, Representatives Corry and Steele were excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5028.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5028, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Couture, Dent, Dye, Eslick, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Schmick, Schmidt, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Corry and Steele

SUBSTITUTE SENATE BILL NO. 5028, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5179, by Senate Committee on Health & Long Term Care (originally sponsored by Pedersen, King, Cleveland, Dhingra, Frame, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nobles, Robinson, Saldaña, Stanford, Valdez, Van De Wege, Wellman and Wilson, C.)**

**Increasing access to the provisions of the Washington death with dignity act.**

The bill was read the second time.

Representative Schmick moved the adoption of amendment (491):

On page 3, line 34, after "a" strike "direct"

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

Representative Riccelli spoke against the adoption of the amendment.

Amendment (491) was not adopted.

Representative Walsh moved the adoption of amendment (493):

On page 7, beginning on line 30, strike all of subsection (3)

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

Representative Riccelli spoke against the adoption of the amendment.

Amendment (493) was not adopted.

Representative Walsh moved the adoption of amendment (492):

On page 12, beginning on line 32, after "(C)" strike all material through "(D)" on line 34

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

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

Representative Riccelli spoke against the adoption of the amendment.

Amendment (492) 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 Peterson and Rude spoke in favor of the passage of the bill.

Representatives Jacobsen, Christian, Graham and Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5179.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5179, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cortes, Davis, Doglio, Duerr, Entenman, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, McEntire, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Ryu, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Chopp, Christian, Connors, Couture, Dent, Donaghy, Dye, Eslick, Farivar, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Paul, Robertson, Rule, Sandlin, Santos, Schmick, Schmidt, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Corry and Steele

ENGROSSED SUBSTITUTE SENATE BILL NO. 5179, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5319, by Senators Stanford, Dozier, Mullet and Wilson, C.**

**Concerning pet insurance.**

The bill was read the second time.

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

Representatives McClintock and Donaghy spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5319.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5319, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5319, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1847, by Representatives Santos, Berg, Fitzgibbon and Ryu**

**Establishing permanent funding for a community preservation and development authority approved through RCW 43.167.060.**

The bill was read the second time.

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

Representatives Santos and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1847.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1847, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

HOUSE BILL NO. 1847, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5565, by Senate Committee on Ways & Means (originally sponsored by Schoesler, Rolfes, Dozier, Nobles and Wellman)**

**Modifying tax and revenue laws by making technical corrections, clarifying ambiguities, easing compliance burdens for taxpayers, and providing administrative efficiencies.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Finance was adopted. For Committee amendment, see Journal, Day 71, Monday, March 20, 2023.

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

Representatives Orcutt and Berg spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5565, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5565, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low,

Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SUBSTITUTE SENATE BILL NO. 5565, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5295, by Senators Wilson, L., Rolfes and Gildon**

**Eliminating accounts.**

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5295.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5295, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5295, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5342, by Senators Kauffman, King, Liias, Kuderer, Nobles and Wilson, C.**

**Concerning transit agencies' ability to enter into interlocal agreements for procurement.**

The bill was read the second time.

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

Representatives Timmons and Hutchins spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5342.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5342, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5342, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5192, by Senators Shewmake, Hunt, Nguyen and Wellman**

**Authorizing administrative law judges to substitute for pollution control hearings board members in deciding derelict vessel appeals.**

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5192.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5192, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5192, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5006, by Senate Committee on Law & Justice (originally sponsored by Pedersen, Rivers, Dhingra, Frame, Hasegawa, Hunt, Kuderer, Mullet, Nobles, Stanford and Valdez)**

**Clarifying waiver of firearm rights.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Civil Rights & Judiciary was adopted. For Committee amendment, see Journal, Day 72, Tuesday, March 21, 2023.

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

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

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5006, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5006, as amended by the House, and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Hansen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Christian, Connors, Couture, Dent, Dye, Eslick, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Corry and Steele

SUBSTITUTE SENATE BILL NO. 5006, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5370, by Senators Wagoner, Dhingra, Van De Wege and Wilson, C.**

**Concerning adult protective 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.

Representatives Eslick and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5370.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5370, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low,

Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5370, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5272, by Senate Committee on Transportation (originally sponsored by Liias, King, Kuderer, Nguyen, Nobles, Saldaña and Wilson, C.)**

**Concerning speed safety camera systems on state highways.**

The bill was read the second time.

Representative Klicker moved the adoption of amendment (497):

On page 5, line 25, after "system." insert "Additionally, where feasible and constructive, radar speed feedback signs will be placed in advance of the speed safety camera system to assist drivers in complying with posted speed limits."

Representatives Klicker and Timmons spoke in favor of the adoption of the amendment.

Amendment (497) was adopted.

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

Representatives Timmons, Barkis and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5272, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5272, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

### MOTION

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

HOUSE JOINT RESOLUTION NO. 4204  
 SENATE BILL NO. 5023  
 SENATE BILL NO. 5089  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5123  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5207  
 SENATE BILL NO. 5421  
 ENGROSSED SENATE BILL NO. 5650  
 SENATE BILL NO. 5700

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

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

### MESSAGES FROM THE SENATE

Friday, March 24, 2023

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5200

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

Friday, March 24, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5198  
 SUBSTITUTE SENATE BILL NO. 5569  
 ENGROSSED SENATE BILL NO. 5623

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

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

### SECOND READING

**SENATE BILL NO. 5553, by Senators Lovelett, Robinson, Conway, Nguyen, Nobles, Wellman and Wilson, C.**

**Authorizing standards for temporary emergency shelters for local adoption.**

The bill was read the second time.

Representative Jacobsen moved the adoption of amendment (498):

On page 2, beginning on line 4, after "adopt" strike "by rule," and insert "optional model"

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

Representative Duerr spoke against the adoption of the amendment.

Amendment (498) 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 Duerr and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5553.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5553, and the bill passed the House by the following vote: Yeas, 82; Nays, 14; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Macri, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Chandler, Christian, Dye, Eslick, Graham, Jacobsen, Low, Maycumber, McEntire, Schmick, Schmidt, Volz, Walsh and Ybarra

Excused: Representatives Corry and Steele

SENATE BILL NO. 5553, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5317, by Senate Committee on Transportation (originally sponsored by Nobles, Wilson, J., Frame, Liias, Lovick, Saldaña, Salomon, Shewmake, Wellman and Wilson, C.)**

**Concerning the removal of vehicles by a regional transit authority when obstructing the operation of high capacity transportation vehicles or jeopardizing public safety.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was adopted. For Committee amendment, see Journal, Day 72, Tuesday, March 21, 2023.

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

Representatives Paul and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5317, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5317, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner,

Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Stokesbary

Excused: Representatives Corry and Steele

SUBSTITUTE SENATE BILL NO. 5317, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5700, by Senators Van De Wege, Cleveland and Dhingra**

**Modernizing state health care authority related laws.**

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5700.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5700, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5700, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5650, by Senators Rolfes, Robinson, Kuderer, Nguyen, Saldaña, Valdez and Wellman**

**Concerning salary inflationary increases for K-12 employees.**

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 Bergquist spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.



The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5650.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5650, and the bill passed the House by the following vote: Yeas, 62; Nays, 34; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Harris, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Calder, Chambers, Chandler, Cheney, Christian, Connors, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh, Wilcox and Ybarra

Excused: Representatives Corry and Steele

ENGROSSED SENATE BILL NO. 5650, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5023, by Senators Wilson, J., Lovick, Kuderer, Liias and Wellman**

#### Concerning roadside safety measures.

The bill was read the second time.

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

Representatives Orcutt and Donaghy spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5023.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5023, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5023, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5041, by Senators Lovick, King and Liias**

#### Concerning compliance with federal motor carrier safety administration requirements for the drug and alcohol clearinghouse.

The bill was read the second time.

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

Representatives Hackney and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5041.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5041, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5041, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5627, by Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Hunt)**

#### Concerning salaries for county commissioners and councilmembers.

The bill was read the second time.

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

Representatives Duerr and Goehner spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5627.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5627, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson,

Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SUBSTITUTE SENATE BILL NO. 5627, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5421, by Senators Conway and Van De Wege**

**Exempting benefit enrollment information collected and maintained by the health care authority from public inspection and copying under the public records act.**

The bill was read the second time.

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

Representatives Ramos and Abbarno spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5421.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5421, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh  
Excused: Representatives Corry and Steele

SENATE BILL NO. 5421, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5439, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Warnick, Dozier, Hasegawa, Lovelett, Salomon, Schoesler and Van De Wege)**

**Concerning livestock identification.**

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5439.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5439, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SUBSTITUTE SENATE BILL NO. 5439, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5143, by Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Torres, Dhingra, Rolfes, Saldaña, Shewmake and Warnick)**

**Changing the name of and adding a member to the commission on pesticide registration.**

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5143.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5143, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

ENGROSSED SUBSTITUTE SENATE BILL NO. 5143, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5089, by Senators King, Rolfes and Wilson, J.**

**Making changes to factory assembled structures, manufactured or mobile homes, commercial coaches, conversion vending units, medical units, recreational vehicles, and park trailers requirements, including adding board**

**members to the factory assembled structures advisory committee.**

The bill was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Senate Bill No. 5089.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5089, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Corry and Steele

SENATE BILL NO. 5089, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:30 a.m., Monday, March 27, 2023, the 78th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SEVENTY EIGHTH DAY

House Chamber, Olympia, Monday, March 27, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Orwall 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, Elise Maynard and Nixon Upson. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Erin Jones, author, educator, TEDx and motivational speaker, and member of "The Gathering" Christian community.

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 fourth order of business.

**INTRODUCTION & FIRST READING**

HB 1850 by Representatives Macri, Schmick, Tharinger, Stokesbary, Ormsby, Bergquist, Schmidt, Chopp, Berg, Bronoske and Thai

AN ACT Relating to the hospital safety net program; amending RCW 74.60.005, 74.60.010, 74.60.020, 74.60.030, 74.60.040, 74.60.050, 74.60.080, 74.60.090, 74.60.100, 74.60.110, 74.60.120, 74.60.130, 74.60.150, 74.60.160, 74.60.170, and 74.60.900; repealing RCW 74.60.901 and 74.60.903; and providing contingent effective dates.

Referred to Committee on Appropriations.

ESSB 5200 by Senate Committee on Ways & Means (originally sponsored by Mullet, Schoesler and Nguyen)

AN ACT Relating to the capital budget; amending RCW 28B.20.725, 28B.30.750, 43.88D.010, 39.35D.030, 43.99N.060, 43.88.030, 43.07.410, 87.03.136, and 43.19.125; amending 2022 c 296 ss 1018, 1019, 1020, 1022, 1056, 1046, 1024, 1026, 1039, 1059, 2004, 2037, 3003, 3010, 5004, 5028, and 7002, and 2021 c 332 ss 1065, 1098, 2032, 2039, 2059, 2067, 3010, 3012, 3019, 3021, 3022, 3024, 3026, 3027, 3028, 3031, 3037, 3038, 3039, 3048, 3069, 3072, 3078, 3094, 3097, and 3295 (uncodified); reenacting and amending RCW 43.185.050, 43.83B.430, and 43.155.050; adding new sections to 2022 c 296 (uncodified); creating new sections; repealing 2021 c 332 s 3111 (uncodified); providing a contingent effective date; and declaring an emergency.

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, with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 5200, which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

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

**REPORTS OF STANDING COMMITTEES**

March 23, 2023

SSB 5025

Prime Sponsor, Ways & Means: Concerning implementation of technology systems at the department of corrections. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 72.09 RCW to read as follows:

(1)(a) The department shall replace the offender management network information system at the department with a more efficient and technologically advanced system. The department shall endeavor to replace and implement the sentencing calculation module before replacing other modules of the offender management network information system. The department is required to implement the sentencing calculation module by the deadline in (d) (iii) of this subsection.

(b) The department shall use a competitive request for a proposal process to replace the offender management network information system under this section.

(c) The department shall leverage existing resources, development plans, and funding.

(d) The department shall require that any system that replaces all or parts of the offender management network information system:

(i) Be capable of being continually updated as necessary;

(ii) Use an agile, not waterfall, development model with software demonstration delivery at the end of sprint lengths set pursuant to implementation team recommendations, but no longer than four-week intervals;

(iii) Deploy usable functionality into production for users within 180 days from the date of contract signing, or on a timeline aligned with industry best practices and according to gated funding practices; and

(iv) Use quantifiable deliverables that must include live, accessible demonstrations of software in development to program staff and end users at each sprint or at least monthly.

(e) The department shall ensure a full and open vendor competition with best value analysis to allow for technology solutions that meet department requirements.

(2)(a) The department shall implement a comprehensive electronic health records system at the department. The department must ensure the electronic health records system:

(i) Complies with the statewide electronic health records plan that must implement a common technology solution to leverage shared business processes and data across the state in support of client services. The department must collaborate with at least the consolidated technology services, department of social and health services, and the health care authority; and

(ii) Requirements are coordinated with, and similar to, at least those for the department of social and health services and the health care authority.

(b) The comprehensive electronic health records system implemented by the department shall be able to communicate with information and data systems used by managed care organizations for purposes of care coordination activities.

(c) The department shall require that the comprehensive electronic health records system:

(i) Be capable of being continually updated as necessary;

(ii) Use an agile, not waterfall, development model with software demonstration delivery at the end of sprint lengths set pursuant to implementation team recommendations, but no longer than four-week intervals;

(iii) Deploy usable functionality into production for users within 180 days from the date of contract signing, or on a timeline aligned with industry best practices and according to gated funding practices; and

(iv) Use quantifiable deliverables that must include live, accessible demonstrations of software in development to program staff and end users at each sprint or at least monthly.

(3) The department shall work with the office of equity to implement provisions of this act.

**NEW SECTION. Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

March 23, 2023

SSB 5081

Prime Sponsor, Human Services: Concerning victim notification. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 72.09.712 and 2022 c 82 s 1 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than thirty days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the department of corrections shall send written notice of parole, release, community custody, work release placement, furlough, or escape about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a custodial interference in the first degree offense as defined by RCW 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion into involuntary servitude offense as defined by RCW 9A.40.110, a criminal gang intimidation offense as defined by RCW 9A.46.120, an intimidating a public servant offense as defined by RCW 9A.76.180, an intimidation or harassment with an explosive offense as defined by RCW 70.74.275, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415, to the following:

(a) The chief of police of the city, if any, in which the inmate will reside or in which placement will be made in a work release program; and

(b) The sheriff of the county in which the inmate will reside or in which placement will be made in a work release program.

The sheriff of the county where the offender was convicted shall be notified if the department does not know where the offender will reside. The department shall notify the state patrol of the release of all sex offenders, and that information shall be placed in the Washington crime information center for dissemination to all law enforcement.

(2) The same notice as required by subsection (1) of this section shall be sent to the following if such notice has been requested in writing about a specific inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a custodial interference in the first degree offense as defined by RCW 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion into involuntary servitude offense as defined by RCW 9A.40.110, a criminal gang intimidation offense as defined by RCW 9A.46.120, an intimidating a public servant offense as

defined by RCW 9A.76.180, an intimidation or harassment with an explosive offense as defined by RCW 70.74.275, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415:

(a) The victim of the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide;

(b) Any witnesses who testified against the inmate in any court proceedings involving the violent offense;

(c) Any person specified in writing by the prosecuting attorney; and

(d) Any person who requests such notice about a specific inmate convicted of a sex offense as defined by RCW 9.94A.030 from the department of corrections at least sixty days prior to the expected release date of the offender.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate. Whenever the department of corrections mails notice pursuant to this subsection and the notice is returned as undeliverable, the department shall attempt alternative methods of notification, including a telephone call to the person's last known telephone number.

(3) The existence of the notice requirements contained in subsections (1) and (2) of this section shall not require an extension of the release date in the event that the release plan changes after notification.

(4) If an inmate convicted of a violent offense, a sex offense as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, a felony harassment offense as defined by RCW 9A.46.060 or 9A.46.110, a domestic violence offense as defined by RCW 10.99.020, an assault in the third degree offense as defined by RCW 9A.36.031, an unlawful imprisonment offense as defined by RCW 9A.40.040, a custodial interference in the first degree offense as defined by RCW 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion into involuntary servitude offense as defined by RCW 9A.40.110, a criminal gang intimidation offense as defined by RCW 9A.46.120, an intimidating a public servant offense as defined by RCW 9A.76.180, an intimidation or harassment with an explosive offense as defined by RCW 70.74.275, a vehicular homicide by disregard for the safety of others offense as defined by RCW 46.61.520, or a controlled substances homicide offense as defined by RCW 69.50.415, escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses and the victim of

the crime for which the inmate was convicted or the victim's next of kin if the crime was a homicide. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(5) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(6) The department of corrections shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(7) The department of corrections shall keep, for a minimum of two years following the release of an inmate, the following:

(a) A document signed by an individual as proof that that person is registered in the victim or witness notification program; and

(b) A receipt showing that an individual registered in the victim or witness notification program was mailed a notice, at the individual's last known address, upon the release or movement of an inmate.

(8) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Next of kin" means a person's spouse, state registered domestic partner, parents, siblings and children.

(9) Nothing in this section shall impose any liability upon a chief of police of a city or sheriff of a county for failing to request in writing a notice as provided in subsection (1) of this section.

(10) Information and records prepared, owned, used, or retained by the department of corrections that reveal any notification or request for notification regarding any specific individual, or that reveal the identity, location of, or any information submitted by a person who requests or is invited to enroll for notification under subsection (2) of this section, are exempt from public inspection and copying under chapter 42.56 RCW.

**NEW SECTION. Sec. 2.** A new section is added to chapter 42.56 RCW to read as follows:

Information and records prepared, owned, used, or retained by the department of corrections that reveal any notification or request for notification regarding any specific individual, or that reveal the identity, location of, or any information submitted by a person who requests or is invited to enroll for notification under RCW 72.09.712(2) or 72.09.710(1), are exempt from public inspection and copying under this chapter.

**Sec. 3.** RCW 72.09.710 and 2008 c 231 s 26 are each amended to read as follows:

(1) At the earliest possible date, and in no event later than ten days before release except in the event of escape or emergency furloughs as defined in RCW 72.66.010, the

department of corrections shall send written notice of parole, community custody, work release placement, furlough, or escape about a specific inmate convicted of a serious drug offense to the following if such notice has been requested in writing about a specific inmate convicted of a serious drug offense:

(a) Any witnesses who testified against the inmate in any court proceedings involving the serious drug offense; and

(b) Any person specified in writing by the prosecuting attorney.

Information regarding witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the inmate.

(2) If an inmate convicted of a serious drug offense escapes from a correctional facility, the department of corrections shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the inmate resided immediately before the inmate's arrest and conviction. If previously requested, the department shall also notify the witnesses who are entitled to notice under this section. If the inmate is recaptured, the department shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If any witness is under the age of sixteen, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The department of corrections shall send the notices required by this section to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section, "serious drug offense" means an offense under RCW 69.50.401(2) (a) or (b) or 69.50.4011(2) (a) or (b).

(6) Information and records prepared, owned, used, or retained by the department of corrections that reveal any notification or request for notification regarding any specific individual, or that reveal the identity, location of, or any information submitted by a person who requests or is invited to enroll for notification under subsection (1) of this section, are exempt from public inspection and copying under chapter 42.56 RCW.

**Sec. 4.** RCW 72.09.714 and 2021 c 215 s 161 are each amended to read as follows:

The department of corrections shall provide the victims, witnesses, and next of kin in the case of a homicide and victims and witnesses involved in violent offense cases, sex offenses as defined by RCW 9.94A.030, a domestic violence court order violation pursuant to RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26B.050, or 26.52.070, or any of the former RCW 26.50.110 and 74.34.145, ((~~or~~)) a felony harassment pursuant to RCW 9A.46.060

or 9A.46.110, a domestic violence offense as defined in RCW 10.99.020, an assault in the third degree offense under RCW 9A.36.031, an unlawful imprisonment offense under RCW 9A.40.040, a custodial interference in the first degree offense as defined by RCW 9A.40.060, a luring offense as defined by RCW 9A.40.090, a coercion into involuntary servitude offense as defined by RCW 9A.40.110, a criminal gang intimidation offense as defined by RCW 9A.46.120, an intimidating a public servant offense as defined by RCW 9A.76.180, an intimidation or harassment with an explosive offense as defined by RCW 70.74.275, a vehicular homicide by disregard for the safety of others offense under RCW 46.61.520, or a controlled substances homicide offense under RCW 69.50.415, a statement of the rights of victims and witnesses to request and receive notification under RCW 72.09.712 and 72.09.716."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

March 23, 2023

SSB 5094

Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Adding a climate resilience element to water system plans. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Doglio, Chair; Mena, Vice Chair; Barnard; Berry; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

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

Referred to Committee on Appropriations

March 23, 2023

SSB 5101

Prime Sponsor, Human Services: Concerning extraordinary medical placement for incarcerated individuals at the department of corrections. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.94A.728 and 2021 c 311 s 19 and 2021 c 266 s 2 are each reenacted and amended to read as follows:

(1) No ((~~person~~))incarcerated individual serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(a) An ~~((offender))~~ incarcerated individual may earn early release time as authorized by RCW 9.94A.729;

(b) An ~~((offender))~~ incarcerated individual may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, ~~((offenders))~~ incarcerated individuals may leave a correctional facility when in the custody of a corrections officer or officers;

(c) (i) The secretary may authorize an extraordinary medical placement for an ~~((offender))~~ incarcerated individual when all of the following conditions exist:

(A) The ~~((offender))~~ incarcerated individual has ~~((a medical condition that is serious and is expected to require costly care or treatment))~~ been assessed by two physicians and is determined to be one of the following:

(I) Affected by a permanent or degenerative medical condition to such a degree that the individual does not presently, and likely will not in the future, pose a threat to public safety; or

(II) In ill health and is expected to die within six months and does not presently, and likely will not in the future, pose a threat to public safety;

(B) The ~~((offender poses a))~~ incarcerated individual has been assessed as low risk to the community ~~((because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so))~~ at the time of release; and

(C) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(ii) An ~~((offender))~~ incarcerated individual sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(iii) The secretary shall require electronic monitoring for all ~~((offenders))~~ individuals in extraordinary medical placement unless the electronic monitoring equipment is detrimental to the individual's health, interferes with the function of the ~~((offender's))~~ individual's medical equipment, or results in the loss of funding for the ~~((offender's))~~ individual's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(iv) The secretary may revoke an extraordinary medical placement under this subsection (1)(c) at any time.

(v) Persistent offenders are not eligible for extraordinary medical placement;

(d) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(e) No more than the final ~~((twelve))~~ 12 months of the ~~((offender's))~~ incarcerated individual's term of confinement may be served in partial confinement for aiding the ~~((offender))~~ incarcerated individual with: Finding work as part of the work release program under chapter 72.65 RCW; or

reestablishing himself or herself in the community as part of the parenting program in RCW 9.94A.6551. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

(f) (i) No more than the final five months of the ~~((offender's))~~ incarcerated individual's term of confinement may be served in partial confinement as home detention as part of the graduated reentry program developed by the department under RCW 9.94A.733(1)(a);

(ii) For eligible ~~((offenders))~~ incarcerated individuals under RCW 9.94A.733(1)(b), after serving at least four months in total confinement in a state correctional facility, an ~~((offender))~~ incarcerated individual may serve no more than the final 18 months of the ~~((offender's))~~ incarcerated individual's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department;

(g) The governor may pardon any ~~((offender))~~ incarcerated individual;

(h) The department may release an ~~((offender))~~ incarcerated individual from confinement any time within ~~((ten))~~ 10 days before a release date calculated under this section;

(i) An ~~((offender))~~ incarcerated individual may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870;

(j) Notwithstanding any other provisions of this section, an ~~((offender))~~ incarcerated individual sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540; and

(k) Any ~~((person))~~ individual convicted of one or more crimes committed prior to the ~~((person's eighteenth))~~ individual's 18th birthday may be released from confinement pursuant to RCW 9.94A.730.

(2) Notwithstanding any other provision of this section, an ~~((offender))~~ incarcerated individual entitled to vacation of a conviction or the recalculation of his or her offender score pursuant to *State v. Blake*, No. 96873-0 (Feb. 25, 2021), may be released from confinement pursuant to a court order if the ~~((offender))~~ incarcerated individual has already served a period of confinement that exceeds his or her new standard range. This provision does not create an independent right to release from confinement prior to resentencing.

(3) ~~((Offenders))~~ Individuals residing in a juvenile correctional facility placement pursuant to RCW 72.01.410(1)(a) are not subject to the limitations in this section."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse and Ramos.



MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; and Graham.

Referred to Committee on Rules for second reading

March 21, 2023

SSB 5165

Prime Sponsor, Environment, Energy & Technology: Concerning electric power system transmission planning. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that the electric power system serving Washington will require additional high voltage transmission capacity to achieve the state's objectives and legal requirements. Washington must reduce its greenhouse gas emissions under state law, and the 2021 state energy strategy finds that this will require a significant increase in the use of renewable or nonemitting electricity in place of fossil fuels now used in the transportation, industry, and building sectors.

(2) The legislature anticipated the crucial role of additional transmission capacity in 2019 in the enactment of the clean energy transformation act and directed the energy facilities site evaluation council to convene a transmission corridors work group. The transmission corridors work group issued its final report on October 31, 2022, in which it confirmed the central role of transmission and recommended actions to achieve the expansion of transmission capacity to address this need.

(3) Expanded transmission capacity and the more effective use of existing transmission capacity will provide benefits to electricity consumers in the state by enhancing the reliability of the electric power system and increasing access to more affordable sources of electricity within the state and across the western United States and Canada.

(4) Existing constraints on transmission capacity within the state already present challenges in ensuring adequate and affordable supplies of clean electricity. Of particular concern is the capability of the transmission system to deliver clean electricity into and within the central Puget Sound area.

(5) There are multiple issues that contribute to the challenge of making timely and cost-effective expansions of the high voltage transmission system. Among those challenges is the need for a more proactive transmission planning process using a longer planning period than current law requires. Transmission planning must reflect not just the requirements to connect individual generating resources to the grid but also the need to transfer electricity across the state and the west. Transmission planning must incorporate state policies and laws in planning objectives.

(6) Certain transmission projects are of significant state interest due to their impact on the access of multiple utilities and communities to gain access to clean, affordable electricity supplies and obtain electricity that is necessary to comply with state laws.

(7) The legislature intends and affirms that the option to use local government permitting processes remains available for transmission projects not subject to mandatory jurisdiction under RCW 80.50.060(2).

(8) Transmission projects typically take at least a decade to develop and permit. This timing presents particular challenges for achieving the state's greenhouse gas emissions reduction mandates, which include ambitious benchmarks as early as 2030. There is a need to accelerate the timeline for transmission development while still protecting other Washington values.

(9) Some electric utilities rely entirely or primarily on a contracted network transmission provider for required transmission services. These electric utilities may contribute to the objectives of this act by requesting that each provider of network transmission service to the utilities include the provisions of chapter 288, Laws of 2019 and chapter 70A.45 RCW as public policy mandates in the transmission service provider's transmission planning process.

**Sec. 2.** RCW 19.280.030 and 2021 c 300 s 3 are each amended to read as follows:

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

(1) Utilities with more than (~~twenty-five thousand~~) 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 (~~ten~~) 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 ~~((ten))~~ 20-year forecast of the availability of and requirements for regional generation and transmission capacity ((on which the utility may rely)) to provide and deliver electricity to ~~((its customers))~~ 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 ~~((ten))~~ 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) ~~((For an investor-owned utility, the))~~ The clean energy action plan must:

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

(b) ~~((establish))~~ Establish a resource adequacy requirement;

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

(d) ~~((identify))~~ 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))~~ 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; and

(f) ~~((identify))~~ 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 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 ~~((ten))~~ 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 ~~((ten))~~ 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) Plans shall not be a basis to bring legal action against electric utilities.

(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) By December 31, 2021, the department and the commission must adopt rules establishing the requirements for incorporating the cumulative impact analysis developed under RCW 19.405.140 into the criteria for developing clean energy action plans under this section.)~~

NEW SECTION. Sec. 3. A new section is added to chapter 19.280 RCW to read as follows:

(1) Electric utilities must in their planning and selection of renewable resources give reasonable consideration, consistent with prudent utility practice, to renewable resources that would use transmission services considered to be conditional firm under the tariff of the relevant transmission provider. For the purposes of this section, conditional firm service means any form of long-term firm point-to-point transmission service in which transmission customers are able to reserve service subject to specific and limited

conditions under which the transmission provider may curtail the transmission customer's reservation of service prior to curtailment of other firm service.

(2) Electric utilities are encouraged to participate and contribute to statewide or multiutility planning activities and through interstate transmission planning processes.

(3) Electric utilities must consult with federal, interstate, and voluntary industry organizations with a role in the bulk power transmission system, including but not limited to the Bonneville power administration, the Pacific Northwest electric power and conservation planning council, NorthernGrid, the Western Power Pool, and public interest organizations in improving the planning and development of transmission capacity consistent with this act.

**Sec. 4.** RCW 80.50.060 and 2022 c 183 s 6 are each amended to read as follows:

(1)(a) The provisions of this chapter apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 (14) and (29). No construction or reconstruction of such energy facilities may be undertaken, except as otherwise provided in this chapter, without first obtaining certification in the manner provided in this chapter.

(b) If applicants proposing the following types of facilities choose to receive certification under this chapter, the provisions of this chapter apply to the construction, reconstruction, or enlargement of these new or existing facilities:

(i) Facilities that produce refined biofuel, but which are not capable of producing 25,000 barrels or more per day;

(ii) Alternative energy resource facilities;

(iii) Electrical transmission facilities: (A) Of a nominal voltage of at least 115,000 volts; and (B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances;

(iv) Clean energy product manufacturing facilities; and

(v) Storage facilities.

(c) All of the council's powers with regard to energy facilities apply to all of the facilities in (b) of this subsection and these facilities are subject to all provisions of this chapter that apply to an energy facility.

(2)(a) The provisions of this chapter must apply to ~~((the))~~:

(i) The construction, reconstruction, or enlargement of new or existing electrical transmission facilities: (A) Of a nominal voltage of at least 500,000 volts alternating current or at least 300,000 volts direct current; (B) located in more than one county; and (C) located in the Washington service area of more than one retail electric utility; and

(ii) The construction, reconstruction, or modification of electrical transmission facilities when the facilities are located in a national interest electric transmission corridor as specified in RCW 80.50.045.

(b) For the purposes of this subsection, "modification" means a significant change to an electrical transmission facility and does not include the following: (i) Minor improvements such as the replacement of existing transmission line facilities or supporting structures with equivalent facilities or structures; (ii) the relocation of existing electrical transmission line facilities; (iii) the conversion of existing overhead lines to underground; or (iv) the placing of new or additional conductors, supporting structures, insulators, or their accessories on or replacement of supporting structures already built.

(3) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (14) and (29).

(4) Applications for certification of energy facilities made prior to July 15, 1977, shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977, with the exceptions of RCW 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

(5) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

(6) Upon receipt of an application for certification under this chapter, the chair of the council shall notify:

(a) The appropriate county legislative authority or authorities where the proposed facility is located;

(b) The appropriate city legislative authority or authorities where the proposed facility is located;

(c) The department of archaeology and historic preservation; and

(d) The appropriate federally recognized tribal governments that may be affected by the proposed facility.

(7) The council must work with local governments where a project is proposed to be sited in order to provide for meaningful participation and input during siting review and compliance monitoring.

(8) The council must consult with all federally recognized tribes that possess resources, rights, or interests reserved or protected by federal treaty, statute, or executive order in the area where an energy facility is proposed to be located to provide early and meaningful participation and input during siting review and compliance monitoring. The chair and designated staff must offer to conduct government-to-government consultation to address issues of concern raised by such a tribe. The goal of the consultation process is to identify tribal resources or rights potentially affected by the proposed energy facility and to seek ways to avoid, minimize, or mitigate any adverse effects on

tribal resources or rights. The chair must provide regular updates on the consultation to the council throughout the application review process. The report from the council to the governor required in RCW 80.50.100 must include a summary of the government-to-government consultation process that complies with RCW 42.56.300, including the issues and proposed resolutions.

(9) The department of archaeology and historic preservation shall coordinate with the affected federally recognized tribes and the applicant in order to assess potential effects to tribal cultural resources, archaeological sites, and sacred sites.

**Sec. 5.** RCW 80.50.045 and 2006 c 196 s 3 are each amended to read as follows:

(1) The council shall consult with other state agencies, utilities, local municipal governments, public interest groups, tribes, and other interested persons to convey their views to the secretary and the federal energy regulatory commission regarding appropriate limits on federal regulatory authority in the siting of electrical transmission corridors in the state of Washington.

(2) The council is designated as the state authority for purposes of siting transmission facilities under ~~((the national energy policy act of 2005))~~ Title 16 U.S.C. Sec. 824p and for purposes of other such rules or regulations adopted by the secretary. The council's authority regarding transmission facilities under this subsection is limited to those transmission facilities that are the subject of ~~((section 1221 of the national energy policy act))~~ Title 16 U.S.C. Sec. 824p and this chapter.

(3) For the construction and modification of transmission facilities that are the subject of ~~((section 1221 of the national energy policy act))~~ Title 16 U.S.C. Sec. 824p, the council may: (a) Approve the siting of the facilities; and (b) consider the interstate benefits expected to be achieved by the proposed construction or modification of the facilities in the state.

(4) When developing recommendations as to the disposition of an application for the construction or modification of transmission facilities under this chapter, the fuel source of the electricity carried by the transmission facilities shall not be considered.

(5) For electrical transmission projects proposed or sited by a federal agency, the director must coordinate state agency participation in environmental review under the national environmental policy act.

**NEW SECTION. Sec. 6.** A new section is added to chapter 43.21C RCW to read as follows:

**NONPROJECT ENVIRONMENTAL REVIEWS.** (1) The energy facility site evaluation council shall prepare nonproject environmental impact statements, pursuant to RCW 43.21C.030, that assess and disclose the probable significant adverse environmental impacts, and that identify related mitigation measures for electrical

transmission facilities with a nominal voltage of 230kV or greater.

(2) The scope of a nonproject environmental review is limited to the probable, significant adverse environmental impacts in geographic areas that are suitable for the electrical transmission facilities with a nominal voltage of 230kV or greater. The energy facility site evaluation council may consider standard attributes for likely development, proximity to existing transmission or complementary facilities, and planned corridors for transmission capacity construction, reconstruction, or enlargement. The nonproject review is not required to evaluate geographic areas that lack the characteristics necessary for electrical transmission facilities with a nominal voltage of 230kV or greater.

(3) (a) The scope of nonproject environmental impact statements must consider, as appropriate, analysis of the following probable significant adverse environmental impacts, including direct, indirect, and cumulative impacts to:

(i) Historic and cultural resources;

(ii) Species designated for protection under RCW 77.12.020 or the federal endangered species act;

(iii) Landscape scale habitat connectivity and wildlife migration corridors;

(iv) Environmental justice and overburdened communities as defined in RCW 70A.02.010;

(v) Cultural resources and elements of the environment relevant to tribal rights, interests, and resources including tribal cultural resources, and fish, wildlife, and their habitat;

(vi) Land uses, including agricultural and ranching uses; and

(vii) Military installations and operations.

(b) The nonproject environmental impact statements must identify measures to avoid, minimize, and mitigate probable significant adverse environmental impacts identified during the review. These include measures to mitigate probable significant adverse environmental impacts to elements of the environment as defined in WAC 197-11-444 as it existed as of January 1, 2023, tribal rights, interests, and resources, including tribal cultural resources, as identified in RCW 70A.65.305, and overburdened communities as defined in RCW 70A.02.010. The energy facility site evaluation council shall consult with other agencies with expertise in identification and mitigation of probable, significant adverse environmental impacts including, but not limited to, the department of fish and wildlife. The energy facility site evaluation council shall further specify when probable, significant adverse environmental impacts cannot be mitigated.

(4) In defining the scope of nonproject review of electrical transmission facilities with a nominal voltage of 230kV or greater, the energy facility site evaluation council shall request input from agencies, federally recognized Indian tribes, industry, stakeholders, local governments, and the public to identify the geographic areas

suitable for electrical transmission facilities with a nominal voltage of 230kV or greater, based on the climatic and geophysical attributes conducive to or required for project development. The energy facility site evaluation council will provide opportunities for the engagement of tribes, overburdened communities, and stakeholders that self-identify an interest in participating in the process.

(5) The energy facility site evaluation council must offer early and meaningful consultation with any affected federally recognized Indian tribe on the nonproject review under this section for the purpose of understanding potential impacts to tribal rights and resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which an Indian tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by state law, or by a state agency. The goal of the consultation process is to support the nonproject review by early identification of tribal rights, interests, or resources, including tribal cultural resources, potentially affected by the project type and identifying solutions, when possible, to avoid, minimize, or mitigate any adverse effects on tribal rights, interests, or resources, including tribal cultural resources, based on environmental or permit review.

(6) Final nonproject environmental review documents for the electrical transmission facilities with a nominal voltage of 230kV or greater, where applicable, must include maps identifying probable, significant adverse environmental impacts for the resources evaluated. Maps must be prepared with the intention to illustrate probable, significant impacts and areas where impacts are avoided or capable of being minimized or mitigated, creating a tool that may be used by project proponents, tribes, and government to inform decision making. Maps may not include confidential information, such as locations of sacred cultural sites or locations of populations of certain protected species.

(7) For transmission line projects utilizing an existing transmission right-of-way or that are located along a transportation corridor or transmission projects utilizing an existing transmission right-of-way, the reasonable alternatives analysis required under this section is limited to the proposed action and a no action alternative.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.21C RCW to read as follows:

**LEAD AGENCY USE OF NONPROJECT ENVIRONMENTAL IMPACT STATEMENT.** (1) A lead agency conducting a project-level environmental review under this chapter of an electrical transmission facility with a nominal voltage of 230kV or greater must consider a nonproject environmental impact statement completed pursuant to section 6 of

this act in order to identify and mitigate project-level probable significant adverse environmental impacts.

(2)(a) Project-level environmental review conducted pursuant to this chapter of an electrical transmission facility with a nominal voltage of 230kV or greater must begin with the review of the applicable nonproject environmental impact statement completed pursuant to section 6 of this act. The review must address any probable significant adverse environmental impacts associated with the proposal that were not analyzed in the nonproject environmental impact statements pursuant to section 6 of this act. The review must identify any mitigation measures specific to the project for probable significant adverse environmental impacts.

(b) Lead agencies reviewing site-specific project proposals for electrical transmission facilities with a nominal voltage of 230kV or greater shall use the nonproject review described in section 6 of this act through one of the following methods and in accordance with WAC 197-11-600, as it existed as of January 1, 2023:

(i) Use of the nonproject review unchanged, in accordance with RCW 43.21C.034, if the project does not cause probable significant adverse environmental impact not identified in the nonproject review;

(ii) Preparation of an addendum;

(iii) Incorporation by reference; or

(iv) Preparation of a supplemental environmental impact statement.

(3) Proposals for electrical transmission facilities with a nominal voltage of 230kV or greater following the recommendations developed in the nonproject environmental review completed pursuant to section 6 of this act are considered to have mitigated the probable significant adverse project-specific environmental impacts under this chapter for which recommendations were specifically developed unless the project-specific environmental review identifies project-level probable significant adverse environmental impacts not addressed in the nonproject environmental review."

Correct the title.

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

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

MINORITY recommendation: Without recommendation. Signed by Representative Dye, Ranking Minority Member.

Referred to Committee on Rules for second reading

March 22, 2023

E2SSB 5174

Prime Sponsor, Ways & Means: Providing adequate and predictable student transportation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28A.160 RCW to read as follows:

(1) The superintendent of public instruction must provide transportation safety net awards to school districts with a convincingly demonstrated need for additional transportation funding for special passengers. Transportation safety net awards shall only be provided when a school district's allowable transportation expenditures exceed the amounts provided under RCW 28A.160.150 through 28A.160.192 and any excess transportation costs reimbursed by federal, state, tribal, or local child welfare agencies. School district safety net awards shall not exceed the school district's expenditures directly attributable to serving special passengers in the pupil transportation program.

(2) For the purposes of this section, "special passengers" include:

(a) Students eligible for and receiving special education that require transportation as a related service of their individualized education program;

(b) Homeless students requiring transportation under the McKinney-Vento act, reauthorized as Title X, Part C, of the no child left behind act, P.L. 107-110, in January 2002; and

(c) Foster students receiving transportation as required under section 1112(c)(5)(B) of the every student succeeds act, P.L. 114-95.

(3) To be eligible for additional transportation safety net award funding, the school district must report, in accordance with statewide accounting guidance, the amount of the excess costs and the specific activities or services provided to special passengers that created the excess costs.

(4) The superintendent of public instruction must establish rules and processes for transportation safety net applications and awards. The omnibus appropriations act must specify the total amount available for transportation safety net awards. Total awards may not exceed the amount appropriated. The superintendent of public instruction must submit to the office of financial management, and the education and fiscal committees of the legislature, the total demonstrated need and awards by school district.

(5) Charter schools established under chapter 28A.710 RCW and state-tribal compact schools established under chapter 28A.715 RCW are also eligible for awards under this section.

(6) Transportation safety net awards allocated under this section are not part of the state's program of basic education.

**Sec. 2.** RCW 28A.160.193 and 2018 c 266 s 103 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, a transportation alternate funding grant program is created.

(2) As part of the award process for the grants, the superintendent of public instruction must include a review of the school district's efficiency rating, key performance indicators, and local school district characteristics such as unique geographic constraints, low enrollment, geographic density of students, ~~((the percentage of students served under the McKinney-Vento homeless assistance act from outside the district,))~~ or whether the district is a nonhigh district.

**Sec. 3.** RCW 28A.160.140 and 1990 c 33 s 140 are each amended to read as follows:

(1) As a condition of entering into a pupil transportation services contract with a private nongovernmental entity, each school district shall engage in an open competitive process at least once every five years. This requirement shall not be construed to prohibit a district from entering into a pupil transportation services contract of less than five years in duration with a district option to renew, extend, or terminate the contract, if the district engages in an open competitive process at least once every five years after July 26, 1987.

(2)(a) A school district may only enter into a pupil transportation services contract with a nongovernmental entity if that entity provides the following to, or on behalf of, employees who choose to opt in for coverage:

(i) An employer health benefits contribution equal to the employer payment dollar amount in effect for the first year of the contract for health care benefit rates (Cockle rates), published annually by the health care authority, for the school employees' benefits board program for school employees; and

(ii) An amount equivalent to the salaries of the employees of the private nongovernmental entity multiplied by the employer normal cost contribution rate determined under the entry age cost method for the school employees' retirement system, as published in the most recent actuarial valuation report from the office of the state actuary for the first year of the contract.

(b) Subsection (2)(a) of this section applies only to pupil transportation service contracts for which the request for proposals begins after the effective date of this section and no earlier than for a contract affecting the 2024-25 school year.

(c) All pupil transportation service contracts entered into or modified after the effective date of this section must include a detailed explanation of any contract cost increase by year, expenditure type, and amount, including any increases in cost that result from providing the benefits required under this section.

(3) As used in this section:

~~((1))~~ (a) "Employee" means a bus or shuttle driver, monitor, mechanic, or dispatcher who works sufficient compensated hours for the nongovernmental entity performing services on the contract with the school district to meet the eligibility requirements that apply to school employees

for benefits in the school employees' retirement system and the school employees' benefits board program;

(b) "Open competitive process" means either one of the following, at the choice of the school district:

((+a)) (i) The solicitation of bids or quotations and the award of contracts under RCW 28A.335.190; or

((+b)) (ii) The competitive solicitation of proposals and their evaluation consistent with the process and criteria recommended or required, as the case may be, by the office of financial management for state agency acquisition of personal service contractors;

((+2)) (c) "Pupil transportation services contract" means a contract for the operation of privately owned or school district owned school buses, and the services of drivers or operators, management and supervisory personnel, and their support personnel such as secretaries, dispatchers, and mechanics, or any combination thereof, to provide students with transportation to and from school on a regular basis; and

((+3)) (d) "School bus" means a motor vehicle as defined in RCW 46.04.521 and under the rules of the superintendent of public instruction.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.160 RCW to read as follows:

(1) A school district that experiences an increase in costs to a pupil transportation services contract as compared to prior year contract costs as a result of the provisions in RCW 28A.160.140 is eligible for supplemental transportation allocations as described in this section.

(2) Beginning September 1, 2024, school districts that provide pupil transportation through a contract with a nongovernmental entity under RCW 28A.160.140 must annually provide the office of the superintendent of public instruction with the following information:

(a) A breakdown of the total contract cost increase, including a detailed explanation of the increase by expenditure type demonstrating dollar equivalency as required in RCW 28A.160.140(2)(a)(i) and percentage equivalency as required in RCW 28A.160.140(2)(a)(ii), as defined by the office of the superintendent of public instruction, and amount;

(b) A breakdown of cost from the contractor that shows the cost to provide health care and pension benefits to employees prior to the effective date of this section and the cost to provide health care and pension benefits to employees after the implementation of benefits as described in RCW 28A.160.140;

(c) The amount of funding received through transportation allocations under RCW 28A.160.150 through 28A.160.192 prior to the implementation of school employee benefits under chapter 41.05 RCW and the amount of funding received through the same transportation allocations for the period immediately following the implementation of school employee benefits under chapter 41.05 RCW, to determine the amount of funding for

health care that is already being included in allocations.

(3) The office of the superintendent of public instruction may suspend the reporting requirements under subsection (2) of this section on or after September 1, 2027, for districts that do not request supplemental transportation allocations under this section.

(4) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must reimburse a school district that contracts for transportation bus services as of March 30, 2023, for the increased cost that is directly attributable to increased benefits as required under this act, using the following formula: The total contract cost increase, less any amounts not attributable to benefits required under RCW 28A.160.140, less the amount the allocation was increased based on the actual cost increase through the transportation funding formula."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Dye; Harris; Sandlin; Schmick; and Steele.

MINORITY recommendation: Without recommendation. Signed by Representatives Couture; and Rude.

Referred to Committee on Rules for second reading

March 23, 2023

ESSB 5365

Prime Sponsor, Labor & Commerce:  
Preventing use of vapor and tobacco products by minors. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

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

(a) Prevention is the most effective tool to reduce vapor and tobacco usage by persons under the age of 21. Protection of adolescents' health and well-being requires enforcement and intervention efforts to focus upon effective vapor and tobacco control and access strategies.

(b) Retailers play a key role in ensuring that state law regarding access to vapor or tobacco is followed. However, the 2021 healthy youth survey found that 15 percent (one out of every six) retail stores illegally sold tobacco or vapor products to a minor in 2021.

(c) Vapor and tobacco product purchase, use, and possession by persons under the age of 21 is a critical public health issue. The



2021 healthy youth survey found that 16 percent of 12th graders in Washington state reported using tobacco or vapor products in the past 30 days, youth under age 18 are far more likely to start using tobacco than adults, and nearly nine out of 10 adults who smoke started by age 18. The healthy youth survey also found that 104,000 Washington youth alive today will ultimately die prematurely from smoking.

(d) With the passage of chapter 15, Laws of 2019, individuals between the ages of 18 and 21 do not face liability for purchase or possession of vapor or tobacco products but individuals under the age of 18 continue to face civil liability for purchase or possession of vapor or tobacco products, creating a disparity in the law.

(2) The legislature therefore finds that all persons under the age of 21 who purchase, use, or possess vapor or tobacco products should be offered community-based interventions that are more effective in helping them quit. The legislature further resolves to increase enforcement strategies to ensure retailer compliance with tobacco and vapor product possession laws.

**Sec. 2.** RCW 70.155.080 and 2002 c 175 s 47 are each amended to read as follows:

(1) A person under the age of eighteen who purchases or attempts to purchase, possesses, or obtains or attempts to obtain cigarettes or tobacco products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to ~~((a fine as set out in chapter 7.80 RCW or))~~ participation in up to four hours of community ~~((restitution, or both. The court may also require participation in))~~ service and referral to a smoking cessation program at no cost. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a liquor ~~((control))~~ and cannabis board, law enforcement, or local health department activity.

(2) Municipal and district courts within the state have jurisdiction for enforcement of this section.

(3) Any enforcement officers issuing citations under this section must collect demographic data and the liquor and cannabis board must compile this information into a statewide report and provide the report annually to the legislature.

**Sec. 3.** RCW 70.345.140 and 2016 sp.s. c 38 s 14 are each amended to read as follows:

(1) A person under the age of eighteen who purchases or attempts to purchase, possesses, or obtains or attempts to obtain vapor products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to ~~((a fine as set out in chapter 7.80 RCW or))~~ participation in up to four hours of community ~~((restitution, or both. The court may also require participation in))~~ service and referral to a smoking cessation program at no cost. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as

part of a board, law enforcement, or local health department activity.

(2) Municipal and district courts within the state have jurisdiction for enforcement of this section.

(3) Any enforcement officers issuing citations under this section must collect demographic data and the liquor and cannabis board must compile this information into a statewide report and provide the report annually to the legislature.

**Sec. 4.** RCW 70.155.100 and 2016 sp.s. c 38 s 23 are each amended to read as follows:

(1) The liquor and cannabis board may suspend or revoke a retailer's license issued under RCW 82.24.510(1)(b) or 82.26.150(1)(b) held by a business at any location, or may impose a monetary penalty as set forth in subsection (3) of this section, if the liquor and cannabis board finds that the licensee has violated RCW 26.28.080, 70.155.020, 70.155.030, 70.155.040, 70.155.050, 70.155.070, or 70.155.090.

(2) Any retailer's licenses issued under RCW 70.345.020 to a person whose license or licenses under chapter 82.24 or 82.26 RCW have been suspended or revoked for violating RCW 26.28.080 must also be suspended or revoked during the period of suspension or revocation under this section.

(3) The sanctions that the liquor and cannabis board may impose against a person licensed under RCW 82.24.530 or 82.26.170 based upon one or more findings under subsection (1) of this section may not exceed the following:

(a) For violations of RCW ~~((26.28.080,))~~ 70.155.020 ~~((,))~~ or 21 C.F.R. Sec. 1140.14, and for violations of RCW 70.155.040 occurring on the licensed premises:

(i) A monetary penalty of ~~((two hundred dollars))~~ \$200 for the first violation within any three-year period;

(ii) A monetary penalty of ~~((six hundred dollars))~~ \$600 for the second violation within any three-year period;

(iii) A monetary penalty of ~~((two thousand dollars))~~ \$2,000 and suspension of the license for a period of six months for the third violation within any three-year period;

(iv) A monetary penalty of ~~((three thousand dollars))~~ \$3,000 and suspension of the license for a period of ~~((twelve))~~ 12 months for the fourth violation within any three-year period;

(v) Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any three-year period;

(b) For violations of RCW 26.28.080:

(i) A monetary penalty of \$1,000 for the first violation within any three-year period;

(ii) A monetary penalty of \$2,500 for the second violation within any three-year period;

(iii) A monetary penalty of \$5,000 and suspension of the license for a period of six months for the third violation within any three-year period;

(iv) A monetary penalty of \$10,000 and suspension of the license for a period of 12 months for the fourth violation within any three-year period;

(v) Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any three-year period;

(c) If the board finds that a person licensed under chapter 82.24 or 82.26 RCW and RCW 70.345.020 has violated RCW 26.28.080, each subsequent violation of either of the person's licenses counts as an additional violation within that three-year period~~(-)~~;

~~((+))~~ (d) For violations of RCW 70.155.030, a monetary penalty in the amount of ~~((one hundred dollars))~~ \$100 for each day upon which such violation occurred;

~~((+))~~ (e) For violations of RCW 70.155.050, a monetary penalty in the amount of ~~((six hundred dollars))~~ \$600 for each violation;

~~((+))~~ (f) For violations of RCW 70.155.070, a monetary penalty in the amount of ~~((two thousand dollars))~~ \$2,000 for each violation.

(4) The liquor and cannabis board may impose a monetary penalty upon any person other than a licensed cigarette or tobacco product retailer if the liquor and cannabis board finds that the person has violated RCW 26.28.080, 70.155.020, 70.155.030, 70.155.040, 70.155.050, 70.155.070, or 70.155.090.

(5) The monetary penalty that the liquor and cannabis board may impose based upon one or more findings under subsection (4) of this section may not exceed the following:

(a) For violation of RCW 26.28.080 or 70.155.020, ~~((one hundred dollars))~~ \$100 for the first violation and ~~((two hundred dollars))~~ \$200 for each subsequent violation;

(b) For violations of RCW 70.155.030, ~~((two hundred dollars))~~ \$200 for each day upon which such violation occurred;

(c) For violations of RCW 70.155.040, ~~((two hundred dollars))~~ \$200 for each violation;

(d) For violations of RCW 70.155.050, ~~((six hundred dollars))~~ \$600 for each violation;

(e) For violations of RCW 70.155.070, ~~((two thousand dollars))~~ \$2,000 for each violation.

(6) The liquor and cannabis board may develop and offer a class for retail clerks and use this class in lieu of a monetary penalty for the clerk's first violation.

(7) The liquor and cannabis board may issue a cease and desist order to any person who is found by the liquor and cannabis board to have violated or intending to violate the provisions of this chapter, RCW 26.28.080, 82.24.500, or 82.26.190 requiring such person to cease specified conduct that is in violation. The issuance of a cease and desist order does not preclude the imposition of other sanctions authorized by this statute or any other provision of law.

(8) The liquor and cannabis board may seek injunctive relief to enforce the provisions of RCW 26.28.080, 82.24.500, 82.26.190 or this chapter. The liquor and cannabis board may initiate legal action to collect civil penalties imposed under this

chapter if the same have not been paid within thirty days after imposition of such penalties. In any action filed by the liquor and cannabis board under this chapter, the court may, in addition to any other relief, award the liquor and cannabis board reasonable attorneys' fees and costs.

(9) All proceedings under subsections (1) through (7) of this section shall be conducted in accordance with chapter 34.05 RCW.

(10) The liquor and cannabis board may reduce or waive either the penalties or the suspension or revocation of a license, or both, as set forth in this chapter where the elements of proof are inadequate or where there are mitigating circumstances. Mitigating circumstances may include, but are not limited to, an exercise of due diligence by a retailer. Further, the board may exceed penalties set forth in this chapter based on aggravating circumstances.

**Sec. 5.** RCW 70.155.110 and 1993 c 507 s 12 are each amended to read as follows:

(1) The ~~((liquor control))~~ board shall, in addition to the board's other powers and authorities, have the authority to enforce the provisions of this chapter and RCW 26.28.080~~((+))~~ and 82.24.500. The ~~((liquor control))~~ board shall have full power to revoke or suspend the license of any retailer or wholesaler in accordance with the provisions of RCW 70.155.100.

(2) The ~~((liquor control))~~ board and the board's authorized agents or employees shall have full power and authority to enter any place of business where tobacco products are sold for the purpose of enforcing the provisions of this chapter.

(3) ~~(a)~~ For the purpose of enforcing the provisions of this chapter and RCW 26.28.080~~((+))~~ and 82.24.500, ~~((a peace officer or))~~ an enforcement officer of the ~~((liquor control))~~ board who has reasonable grounds to believe a person observed by the officer in proximity to a retailer licensee under chapters 82.24 and 82.26 RCW who is purchasing, attempting to purchase, or in possession of tobacco products is under the age of eighteen years of age, may detain such person in proximity to such retailer for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. Further, tobacco products possessed by persons under the age of eighteen years of age are considered contraband and may be seized by ((a peace officer or)) an enforcement officer of the ((liquor control)) board.

(b) For the purposes of this subsection, "proximity" means 100 feet or less.

(4) The ~~((liquor control))~~ board may work with local county health departments or districts and local law enforcement agencies to conduct random, unannounced, inspections to assure compliance.

**Sec. 6.** RCW 70.155.120 and 2019 c 415 s 979 and 2019 c 15 s 10 are each reenacted and amended to read as follows:

(1) The youth tobacco and vapor products prevention account is created in the state treasury. All fees collected pursuant to RCW

70.155.100(3)(b), 82.24.520, 82.24.530, 82.26.160, and 82.26.170 and funds collected by the (~~(liquor and cannabis)~~) board from the imposition of monetary penalties shall be deposited into this account, except that (~~(ten)~~)10 percent of all such fees and penalties shall be deposited in the state general fund.

(2) Moneys appropriated from the youth tobacco and vapor products prevention account to the department of health shall be used by the department of health for implementation of this chapter, including collection and reporting of data regarding enforcement and the extent to which access to tobacco products and vapor products by youth has been reduced.

(3) The department of health shall enter into interagency agreements with the (~~(liquor and cannabis)~~) board to pay the costs incurred, up to (~~(thirty)~~)30 percent of available funds, in carrying out its enforcement responsibilities under this chapter. Such agreements shall set forth standards of enforcement, consistent with the funding available, so as to reduce the extent to which tobacco products and vapor products are available to individuals under the age of (~~(twenty-one)~~)21. The agreements shall also set forth requirements for data reporting by the (~~(liquor and cannabis)~~) board regarding its enforcement activities. During the 2019-2021 fiscal biennium, the department of health shall pay the costs incurred, up to (~~(twenty-three)~~)23 percent of available funds, in carrying out its enforcement responsibilities.

(4) The department of health, the (~~(liquor and cannabis)~~) board, and the department of revenue shall enter into an interagency agreement for payment of the cost of administering the tobacco retailer licensing system and for the provision of quarterly documentation of tobacco wholesaler, retailer, and vending machine names and locations.

(5) The department of health shall, within up to (~~(seventy)~~)70 percent of available funds, provide grants to local health departments or other local community agencies to develop and implement coordinated tobacco and vapor product intervention strategies to prevent and reduce tobacco and vapor product use by youth. During the 2019-2021 fiscal biennium, the department of health shall, within up to (~~(seventy-seven)~~)77 percent of available funds, provide grants to local health departments or other local community agencies to develop and implement coordinated tobacco and vapor product intervention strategies to prevent and reduce tobacco and vapor product use by youth.

**Sec. 7.** RCW 70.345.160 and 2016 sp.s. c 38 s 24 are each amended to read as follows:

(1) The board must have, in addition to the board's other powers and authorities, the authority to enforce the provisions of this chapter.

(2) The board and the board's authorized agents or employees have full power and authority to enter any place of business

where vapor products are sold for the purpose of enforcing the provisions of this chapter.

(3)(a) For the purpose of enforcing the provisions of this chapter, (~~(a peace officer or)~~)an enforcement officer of the board who has reasonable grounds to believe a person observed by the officer in proximity to a retailer licensee under this chapter and chapter 82.25 RCW who is purchasing, attempting to purchase, or in possession of vapor products is under eighteen years of age, may detain such person in proximity to such retailer for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. Further, vapor products possessed by persons under eighteen years of age are considered contraband and may be seized by (~~(a peace officer or)~~)an enforcement officer of the board.

(b) For the purposes of this subsection, "proximity" means 100 feet or less.

(4) The board may work with local county health departments or districts and local law enforcement agencies to conduct random, unannounced, inspections to assure compliance.

(5) The board, law enforcement, or a local health department may, with parental authorization, include persons under the age of 18 in compliance activities.

(6) Upon a determination by the secretary of health or a local health jurisdiction that a vapor product may be injurious to human health or poses a significant risk to public health:

(a) The board, in consultation with the department of health and local county health jurisdictions, may cause a vapor product substance or solution sample, purchased or obtained from any vapor product retailer, distributor, or delivery sale licensee, to be analyzed by an analyst appointed or designated by the board;

(b) If the analyzed vapor product contains an ingredient, substance, or solution present in quantities injurious to human health or posing a significant risk to public health, as determined by the secretary of health or a local health jurisdiction, the board may suspend the license of the retailer or delivery sale licensee unless the retailer or delivery sale licensee agrees to remove the product from sales; and

(c) If upon a finding from the secretary of health or local health jurisdiction that the vapor product poses an injurious risk to public health or significant public health risk, the retailer or delivery sale licensee does not remove the product from sale, the secretary of health or local health officer may file for an injunction in superior court prohibiting the sale or distribution of that specific vapor product substance or solution.

~~((6))~~(7) Nothing in subsection ~~((5))~~(6) of this section permits a total ban on the sale or use of vapor products.

NEW SECTION. **Sec. 8.** Nothing in this act shall be interpreted to limit the ability of a peace officer or an enforcement

officer of the liquor and cannabis board to enforce RCW 26.28.080 and 82.24.500."

Correct the title.

Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Morgan; Orwall and Reeves.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Assistant Ranking Minority Member; Walsh; and Waters.

MINORITY recommendation: Without recommendation. Signed by Representative Chambers, Ranking Minority Member.

Referred to Committee on Rules for second reading

March 23, 2023

SB 5369

Prime Sponsor, Senator Billig: Reassessing standards for polychlorinated biphenyls in consumer products. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that polychlorinated biphenyls, or PCBs, are a hazardous chemical class that have been identified as carcinogenic, a developmental toxicant, toxic to aquatic organisms, and persistent and bioaccumulative. According to the United States environmental protection agency, PCBs are probable human carcinogens and may have serious and potential effects on the immune system, reproductive system, nervous system, and endocrine system.

(2) Humans and other organisms can be exposed to PCBs in a number of ways. PCBs can be released into the environment from hazardous waste sites, illegal dumping, or disposal of PCB wastes or PCB-containing products in areas or landfills not designed to handle hazardous waste, leaks, or releases from electrical transformers containing PCBs, and wastewater discharges. Once PCBs are released, the chemicals do not readily break down in the environment and can cycle for long periods between air, water, and soil. PCBs can accumulate in leaves and above-ground parts of plants and food crops, and they are also taken up into the bodies of small organisms and fish, resulting in potential exposure for people and organisms that ingest the fish.

(3) In 1979, the United States banned the production of PCBs under the toxic substances control act. However, the United States environmental protection agency's regulations implementing the toxic substances control act for PCBs allow some inadvertent generation of PCBs to occur in excluded manufacturing processes. These manufacturing by-product PCBs have been identified in wastewater, sediments, and air in numerous locations and have been positively identified in the testing of new products.

(4) The legislature finds that the state has done much to address PCB contamination,

including cleanup, permitting, stormwater management, and fish advisories. In addition, the United States environmental protection agency, Washington state, and the Spokane tribe of Indians have established PCB water quality standards to protect human health and the environment. These standards are critical for addressing release and exposure from legacy and nonlegacy PCBs. However, the standards cannot be achieved with currently available water treatment technology if the waste stream continues to include new sources of PCBs allowable under the toxic substances control act at levels measured in products such as paints, inks, and pigments that are billions of times higher than applicable water quality standards. While the United States environmental protection agency has restored a human health criteria standard of seven parts per quadrillion in Washington waters, the toxic substances control act limit for PCBs in products is an annual average of 25 parts per million, with a maximum 50 parts per million adjusted total PCBs. Therefore, the legislature finds that nonlegacy PCB contamination may most effectively be managed upstream at the product and process source as opposed to downstream facilities at the end of the product life cycle. The toxic substances control act standard for inadvertent PCBs does not reflect current science on limits needed to protect human health and the environment and is overdue for revision.

(5) While previous industry analysis of toxic substances control act rule making has asserted negative impacts and infeasibility in disallowing by-product PCBs, the legislature finds that safer, feasible, and available alternatives to PCB-containing paints and printing inks now exist, as determined by the department in its June 2022 *Safer Products for Washington* report. Moreover, since safer and available products and processes to produce paints and printing inks do exist, the legislature finds that use of manufacturing processes resulting in products with PCB by-products is not inadvertent, but intentional, and constitutes a use of the chemical within the product.

(6) Therefore, the legislature intends to direct the department to petition the United States environmental protection agency to reassess its PCB regulations under the toxic substances control act and to prohibit the use of chlorine-based pigment manufacturing processes, which result in the generation of PCBs.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

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

(3) "Paint and printing ink" includes, but is not limited to, building paint for indoor and outdoor use, spray paint, children's paint, road paint, and printing inks used in paper and packaging.

(4) "PCBs" or "polychlorinated biphenyls" means chemical forms that consist of two benzene rings joined together and containing one to 10 chlorine atoms attached to the benzene rings.

(5) "Retail establishment" includes any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides merchandise, goods, or materials directly to a customer.

**NEW SECTION. Sec. 3.** (1) The department must petition the United States environmental protection agency to reassess its regulations on excluded manufacturing processes from prohibitions on manufacturing, processing, distribution in commerce, and use of PCBs and PCB items under 40 C.F.R. Sec. 761.3 for the purpose of eliminating or reducing the presence of PCBs in consumer products.

(2) In petitioning the United States environmental protection agency, the department must include legislative findings under this chapter and information on:

(a) Health effects of PCBs;

(b) Release and exposure of PCBs including, but not limited to, concentrations of PCBs measured in consumer products and in state waters, soils, and fish tissue;

(c) Safer alternatives for consumer products that contain PCBs, including the availability and feasibility of alternatives; and

(d) Other relevant data or findings as determined by the department.

(3) The department is not required to generate new data and may use previously compiled data and findings developed in the performance of duties under this chapter.

(4) The department may consult with the department of health and other relevant state agencies in developing the petition under this section.

(5) To the extent practicable, the department must seek completion of the petition review by January 1, 2025.

**NEW SECTION. Sec. 4.** (1)(a)(i) Beginning January 1, 2025, a manufacturer or wholesaler may not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state any paint or printing ink that contains chlorine-based pigments.

(ii) Beginning January 1, 2026, a retail establishment may not knowingly sell or knowingly offer for sale for use in this state any paint or printing ink that contains chlorine-based pigments.

(b)(i) Beginning no later than 12 months after the adoption of rules under subsection (3) of this section, a manufacturer or wholesaler may not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state a product identified under subsection (3) of this section.

(ii) Beginning no later than 24 months after the adoption of rules under subsection

(3) of this section, a retail establishment may not knowingly sell or knowingly offer for sale any paint or printing ink that contains chlorine-based pigments.

(2) Upon a demand by the department, a person must demonstrate to the department that a product is in compliance with the requirements of subsection (1) of this section through the submission to the department of:

(a) Testing data indicating either that a chlorine-based manufacturing process was not used in the manufacture of the pigments contained in the paint, printing ink, or other product; or

(b) Information pertaining to pigment manufacturing processes demonstrating that chlorine was not used in the manufacturing of pigments contained in the paint, printing ink, or other product.

(3) The department may, by rule, identify products that, as a result of the inclusion of pigments in the product, contain PCBs that were inadvertently generated in the making of the pigment. The department may require products identified under this subsection to demonstrate the absence of chlorine-based pigments in a product in a manner consistent with subsection (2) of this section. The department must initiate a rule-making process under this subsection by October 1, 2023.

(4) The prohibitions in subsection (1) of this section do not apply to:

(a) Paint manufactured from recycled paint collected under chapter 70A.515 RCW; or

(b) The sale of any previously owned products containing inadvertently generated PCBs made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization.

(5)(a) By rule, the department may exempt a product or category of product from the prohibitions in subsection (1) of this section upon determining that a product or category of product is not capable of being manufactured in a manner that does not rely on the inclusion of chlorine-based pigments, and upon determining that allowing for the continued manufacture of product or category of product containing a chlorine-based pigment would not result in meaningful impacts to human health, the environment, or the ability of entities regulated under chapter 90.48 RCW to comply with water quality standards.

(b) The department may, in its discretion, extend the compliance deadline in subsection (1) of this section a product or category of product for which a person annually demonstrates to the department by October 1st of a given year that the prohibition is not technically feasible for the person to comply with.

(6) The department may not administer or enforce the requirements of this section if:

(a) A court of competent jurisdiction determines that federal regulations preempt the requirements; or

(b) The requirement does not align with any regulation established by the United States environmental protection agency adopted after the effective date of this section.

(7) If the requirements of this section are determined by a court of competent jurisdiction to be preempted by federal regulations, the department is directed to adopt a rule, within 18 months of the determination of preemption, to establish a reporting requirement for the use of chlorine-based pigment manufacturing processes or the PCB content of any combination of paints, printing inks, or products identified by the department under subsection (3) of this section.

**NEW SECTION. Sec. 5.** (1) The department may adopt rules to implement, administer, and enforce the requirements of this chapter.

(2) The department may impose a civil penalty for violations of any requirement of this chapter in an amount not to exceed \$5,000 for each violation in the case of a first offense. Persons who are repeat violators are subject to a civil penalty not to exceed \$10,000 for each repeat offense. The department must issue at least one notice of violation by certified mail prior to assessing a penalty and the department may only impose a penalty on a manufacturer or retail establishment that has not met the requirements of this chapter 60 days following the date the written notification of the violation was sent. The department may not collect a penalty from a retail establishment for a product that the retail establishment demonstrates to the department was in the possession of the retail establishment as of the effective date of the restrictions on manufacture, sale, and distribution under section 4(1) (a) (i) or (b) (i) of this act.

(3) Any penalty provided for in this section, and any order issued by the department under this chapter, may be appealed to the pollution control hearings board.

(4) All penalties collected under this chapter must be deposited in the model toxics control operating account created in RCW 70A.305.180.

**Sec. 6.** RCW 43.21B.110 and 2022 c 180 s 812 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, section 5 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190,

70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered

products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 8.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Barnard; Berry; Couture; Duerr; Fey; Lekanoff; Ramel; Slatter and Street.

MINORITY recommendation: Without recommendation. Signed by Representatives Ybarra, Assistant Ranking Minority Member; Abbarno; and Goehner.

Referred to Committee on Appropriations

March 23, 2023

SSB 5424 Prime Sponsor, Labor & Commerce:  
Concerning flexible work for general and limited authority Washington peace officers.  
Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 49.28 RCW to read as follows:

(1) Every general authority and limited authority Washington law enforcement agency may adopt a flexible work policy. The policy may allow for general authority and limited authority Washington peace officers to work at less than full time when feasible, such as supplementing work during peak hours with part-time officers. The flexible work policy may include alternative shift and work schedules that fit the needs of the law enforcement agency.

(2) The flexible work policy adopted in subsection (1) of this section may require an officer have a certain number of years of experience as a full-time officer or have additional training for the officer to work part time or be eligible for any other types of flexible work.

(3) The flexible work policy adopted in subsection (1) of this section may not cause the layoff or otherwise displace any full-time officer.

(4) This section does not alter any existing collective bargaining unit, the provisions of any existing collective bargaining agreement, or the duty of a law enforcement agency to meet their duty to bargain under chapter 41.56 or 41.80 RCW. Full-time and part-time officers working for the same law enforcement agency who are covered by a collective bargaining agreement must be in the same bargaining unit.

(5) This section does not alter any laws or workplace policies relating to restrictions on secondary employment for general authority and limited authority Washington peace officers.

(6) For the purposes of this section, the definitions in this subsection apply.

(a) "General authority and limited authority Washington law enforcement agency" has the same meaning as "general authority Washington law enforcement agency" and "limited authority Washington law enforcement agency" as defined in RCW 10.93.020 (3) and (5), respectively.

(b) "General authority and limited authority Washington peace officers" has the same meaning as "general authority Washington peace officer" and "limited authority Washington peace officer" as defined in RCW 10.93.020 (4) and (6), respectively.

**Sec. 2.** RCW 10.93.020 and 2021 c 318 s 307 are each reenacted and amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(2) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(3) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state

government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(4) "General authority Washington peace officer" means any (~~full-time~~) fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(5) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor and cannabis board, the office of the insurance commissioner, the state department of corrections, and the office of independent investigations.

(6) "Limited authority Washington peace officer" means any (~~full-time~~) fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(7) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, a tribal peace officer from a federally recognized tribe, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, a tribal peace officer from a federally recognized tribe, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty

percent of the agency's resources are allocated.

(10) "Specially commissioned Washington peace officer," for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

**Sec. 3.** RCW 41.26.030 and 2021 c 12 s 2 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the employee's contributions made by a member, including any amount paid under RCW 41.50.165(2), plus accrued interest credited thereon.

(2) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(3) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(4) (a) "Basic salary" for plan 1 members, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for plan 2 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred



annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. In any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) The basic salary the member would have received had such member not served in the legislature; or

(ii) Such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under (b)(i) of this subsection is greater than basic salary under (b)(ii) of this subsection shall be paid by the member for both member and employer contributions.

(5)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for plan 2 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6)(a) "Child" or "children" means an unmarried person who is under the age of eighteen or mentally or physically disabled as determined by the department, except a person who is disabled and in the full time care of a state institution, who is:

(i) A natural born child;

(ii) A stepchild where that relationship was in existence prior to the date benefits are payable under this chapter;

(iii) A posthumous child;

(iv) A child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter; or

(v) An illegitimate child legitimized prior to the date any benefits are payable under this chapter.

(b) A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(7) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(8) "Director" means the director of the department.

(9) "Disability board" for plan 1 members means either the county disability board or the city disability board established in RCW 41.26.110.

(10) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to plan 1 members.

(11) "Disability retirement" for plan 1 members, means the period following termination of a member's disability leave,

during which the member is in receipt of a disability retirement allowance.

(12) "Domestic partners" means two adults who have registered as domestic partners under RCW 26.60.020.

(13) "Employee" means any law enforcement officer or firefighter as defined in subsections (17) and (19) of this section.

(14)(a) "Employer" for plan 1 members, means the legislative authority of any city, town, county, district, or regional fire protection service authority or the elected officials of any municipal corporation that employs any law enforcement officer and/or firefighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the firefighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or firefighters as defined in this chapter.

(b) "Employer" for plan 2 members, means the following entities to the extent that the entity employs any law enforcement officer and/or firefighter:

(i) The legislative authority of any city, town, county, district, public corporation, or regional fire protection service authority established under RCW 35.21.730 to provide emergency medical services as defined in RCW 18.73.030;

(ii) The elected officials of any municipal corporation;

(iii) The governing body of any other general authority law enforcement agency;

(iv) A four-year institution of higher education having a fully operational fire department as of January 1, 1996; or

(v) The department of social and health services or the department of corrections when employing firefighters serving at a prison or civil commitment center on an island.

(c) Except as otherwise specifically provided in this chapter, "employer" does not include a government contractor. For purposes of this subsection, a "government contractor" is any entity, including a partnership, limited liability company, for-profit or nonprofit corporation, or person, that provides services pursuant to a contract with an "employer." The determination whether an employer-employee relationship has been established is not based on the relationship between a government contractor and an "employer," but is based solely on the relationship between a government contractor's employee and an "employer" under this chapter.

(15)(a) "Final average salary" for plan 1 members, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period

within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for plan 2 members, means the monthly average of the member's basic salary for the highest consecutive sixty service credit months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(c) In calculating final average salary under (a) or (b) of this subsection, the department of retirement systems shall include:

(i) Any compensation forgone by a member employed by a state agency or institution during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, temporary reduction in pay implemented prior to December 11, 2010, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer;

(ii) Any compensation forgone by a member employed by the state or a local government employer during the 2011-2013 fiscal biennium as a result of reduced work hours, mandatory leave without pay, temporary layoffs, or reductions to current pay if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer. Reductions to current pay shall not include elimination of previously agreed upon future salary increases; and

(iii) Any compensation forgone by a member employed by the state or a local government employer during the 2019-2021 and 2021-2023 fiscal biennia as a result of reduced work hours, mandatory leave without pay, temporary layoffs, furloughs, reductions to current pay, or other similar measures resulting from the COVID-19 budgetary crisis, if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer. Reductions to current pay shall not include elimination of previously agreed upon future salary increases.

(16) "Fire department" includes a fire station operated by the department of social and health services or the department of corrections when employing firefighters serving a prison or civil commitment center on an island.

(17) "Firefighter" means:

(a) Any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for firefighter, and who is actively employed as such;

(b) Anyone who is actively employed as a full time firefighter where the fire department does not have a civil service examination;

(c) Supervisory firefighter personnel;

(d) Any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031. The provisions of this subsection (17)(d) shall not apply to plan 2 members;

(e) The executive secretary of a labor guild, association or organization (which is an employer under subsection (14) of this section), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW. The provisions of this subsection (17)(e) shall not apply to plan 2 members;

(f) Any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for firefighter;

(g) Any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971, was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) Any person who is employed on a full-time, fully compensated basis by an employer as an emergency medical technician that meets the requirements of RCW 18.71.200 or 18.73.030(~~(12)~~)(13), and whose duties include providing emergency medical services as defined in RCW 18.73.030.

(18) "General authority law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, but not including the Washington state patrol. Such an agency, department, or division is distinguished from a limited authority law enforcement agency having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor and cannabis board, and the state department of corrections. A general authority law enforcement agency under this chapter does not include a government contractor.

(19) "Law enforcement officer" beginning January 1, 1994, means any person who is commissioned and employed by an employer on a full time, fully compensated basis to enforce the criminal laws of the state of Washington generally, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not

commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers. The requirement that the commissioned law enforcement personnel be full time does not apply to the extent allowed under (f) of this subsection;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under subsection (14) of this section) if that individual has five years previous membership in the retirement system established in chapter 41.20 RCW. The provisions of this subsection (19)(d) shall not apply to plan 2 members; ~~(and)~~

(e) The term "law enforcement officer" also includes a person employed on or after January 1, 1993, as a public safety officer or director of public safety, so long as the job duties substantially involve only either police or fire duties, or both, and no other duties in a city or town with a population of less than ten thousand. The provisions of this subsection (19)(e) shall not apply to any public safety officer or director of public safety who is receiving a retirement allowance under this chapter as of May 12, 1993; and

(f) Beginning July 1, 2023, the term "law enforcement officer" also includes any person who is commissioned and employed by an employer on a fully compensated basis to enforce the criminal laws of the state of Washington generally, on a less than full-time basis, with the qualifications in (a) through (e) of this subsection.

(20) "Medical services" for plan 1 members, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses," provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopathic physician and surgeon licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic X-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(21) "Member" means any firefighter, law enforcement officer, or other person as would apply under subsection (17) or (19) of this section whose membership is transferred to the Washington law enforcement officers' and firefighters' retirement system on or after March 1, 1970, and every law enforcement officer and firefighter who is employed in that capacity on or after such date.

(22) "Plan 1" means the law enforcement officers' and firefighters' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(23) "Plan 2" means the law enforcement officers' and firefighters' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(24) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(25) "Regular interest" means such rate as the director may determine.

(26) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting

from service rendered to an employer by such member.

(27) "Retirement fund" means the "Washington law enforcement officers' and firefighters' retirement system fund" as provided for herein.

(28) "Retirement system" means the "Washington law enforcement officers' and firefighters' retirement system" provided herein.

(29)(a) "Service" for plan 1 members, means all periods of employment for an employer as a firefighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all service credit months of service rendered by a member from and after the member's initial commencement of employment as a firefighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

(i) For members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall also include (A) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (B) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act.

(ii) A member who is employed by two employers at the same time shall only be credited with service to one such employer for any month during which the member rendered such dual service.

(iii) Reduction efforts such as furloughs, reduced work hours, mandatory leave without pay, temporary layoffs, or other similar situations as contemplated by subsection (15)(c)(iii) of this section do not result in a reduction in service credit that otherwise would have been earned for that month of work, and the member shall receive the full service credit for the hours that were scheduled to be worked before the reduction.

(b)(i) "Service" for plan 2 members, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month which shall constitute a service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for at least seventy hours but less than ninety hours per calendar month shall constitute one-half service credit month. Periods of employment

by a member for one or more employers for which basic salary is earned for less than seventy hours shall constitute a one-quarter service credit month.

(ii) Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

(iii) Service credit years of service shall be determined by dividing the total number of service credit months of service by twelve. Any fraction of a service credit year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

(iv) If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one service credit month's service credit during any calendar month in which multiple service for ninety or more hours is rendered; or one-half service credit month's service credit during any calendar month in which multiple service for at least seventy hours but less than ninety hours is rendered; or one-quarter service credit month during any calendar month in which multiple service for less than seventy hours is rendered.

(v) Reduction efforts such as furloughs, reduced work hours, mandatory leave without pay, temporary layoffs, or other similar situations as contemplated by subsection (15)(c)(iii) of this section do not result in a reduction in service credit that otherwise would have been earned for that month of work, and the member shall receive the full service credit for the hours that were scheduled to be worked before the reduction.

(30) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(31) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(34) "Surviving spouse" means the surviving widow or widower of a member. "Surviving spouse" shall not include the divorced spouse of a member except as provided in RCW 41.26.162."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

March 23, 2023

SSB 5448

Prime Sponsor, Labor & Commerce:  
Concerning liquor licensee privileges for the  
delivery of alcohol. Reported by Committee  
on Regulated Substances & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2021 c 48 s 2 (uncodified) is amended to read as follows:

(1) ~~((The board must implement the provisions of this section as expeditiously as possible. Liquor licensees may conduct activities authorized under this section before completion by the board of actions the board plans to take in order to implement this act, such as adoption of rules or completion of information system changes necessary to allow licensees to apply for required endorsements. However, licensees must comply with board rules when they take effect.~~

~~((2) The)) (a) Except as provided in (b) of this subsection, the following licensees may sell alcohol products at retail for ~~((curbside and))~~ takeout ~~((service))~~ or delivery or both under liquor and cannabis board licenses and endorsements: Beer and wine restaurants; spirits, beer, and wine restaurants; taverns; domestic wineries; domestic breweries and microbreweries; distilleries; snack bars; nonprofit arts licensees; and caterers.~~

~~((b) No alcohol products may be sold by delivery under this section after July 1, 2025.~~

~~((3)) (2) Spirits, beer, and wine restaurant licensees may sell premixed cocktails ~~((and cocktail kits))~~ for takeout ~~((or curbside service))~~ and, until July 1, 2025, for delivery. The board may establish by rule the manner in which premixed cocktails for off-premises consumption must be provided. This subsection does not authorize the sale of ~~((full))~~ bottles of spirits by licensees for off-premises consumption ~~((, with the exception of mini-bottles as part of cocktail kits. Mini-bottle sales authorized under this subsection as part of cocktail kits are exempt from the spirits license issuance fee under RCW 66.24.630(4)(a) and the tax on each retail sale of spirits under RCW 82.08.150)).~~~~

~~((4)) (3) Spirits, beer, and wine restaurant licensees may sell wine by the glass or premixed wine and spirits cocktails for takeout ~~((or curbside service))~~ and ~~((for))~~, until July 1, 2025, delivery. Beer and wine restaurant licensees may sell wine or premixed wine drinks by the glass for takeout ~~((or curbside service))~~ and ~~((for))~~, until July 1, 2025, delivery. The board may establish by rule the manner in which wine by the glass and premixed cocktails for off-premises consumption must be provided.~~

~~((5)) (4) Licensees that were authorized by statute or rule before January 1, 2020, to sell growlers for on-premises consumption may sell growlers for off-premises consumption through ~~((curbside,))~~ takeout ~~((r))~~ or, until July 1, 2025, delivery ~~((service))~~. Sale of growlers under this subsection must meet federal alcohol and tobacco tax and trade bureau requirements.~~

~~((6)) (5) (a) Licensees must obtain from the board an endorsement to their license in order to conduct activities authorized under subsections ~~((2)) (1)~~ through ~~((5)) (4)~~ of this section. The board may adopt rules governing the manner in which the activities authorized under this section must be conducted. Licensees must not be charged a fee in order to obtain an endorsement required under this section.~~

~~((b) (i) Alcohol delivery under this section must be performed by an employee of an alcohol delivery endorsement holder who is 21 years of age or older and possesses a class 12 permit, in accordance with RCW 66.20.310.~~

~~((ii) Delivery services conducted by beer and wine restaurant licensees and spirits, beer, and wine restaurant licensees under this section must be accompanied by a purchased meal prepared and sold by the license holder.~~

~~((c) Alcohol sold for takeout by beer and wine restaurant licensees and spirits, beer, and wine restaurant licensees under this section must be accompanied by a purchased meal prepared and sold by the license holder.~~

~~((d) Any alcohol product sold for takeout or delivery under this section must be in a factory sealed container or a tamper-resistant container.~~

~~((7)) (6) Beer and wine specialty shops licensed under RCW 66.24.371 and domestic breweries and microbreweries may sell prefilled growlers for off-premises consumption through takeout ~~((or curbside service))~~ and, until July 1, 2025, delivery, provided that prefilled growlers are sold the same day they are prepared for sale and not stored overnight for sale on future days.~~

~~((8)) (7) The board must adopt or revise current rules to allow for outdoor service of alcohol by on-premises licensees holding licenses issued by the board for the following license types: Beer and wine restaurants; spirits, beer, and wine restaurants; taverns; domestic wineries; domestic breweries and microbreweries; distilleries; snack bars; and private clubs licensed under RCW 66.24.450 and 66.24.452. The board may adopt requirements providing for clear accountability at locations where multiple licensees use a shared space for serving customers.~~

~~((9)) (8) Upon delivery of any alcohol product authorized to be delivered under this section, the signature of the person age 21 or over receiving the delivery must be obtained.~~

~~((10)) (9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~((a) "Board" means the liquor and cannabis board.~~

~~((b) "Growlers" means sanitary containers brought to the premises by the purchaser or furnished by the licensee and filled by the retailer at the time of sale.~~

~~((c) "Mini-bottles" means original factory sealed containers holding not more than 50 milliliters of a spirituous beverage.~~

~~((11) This section expires July 1, 2023.)~~

**Sec. 2.** RCW 66.04.010 and 2019 c 61 s 1 are each reenacted and amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Authorized representative" means a person who:

(a) Is required to have a federal basic permit issued pursuant to the federal alcohol administration act, 27 U.S.C. Sec. 204;

(b) Has its business located in the United States outside of the state of Washington;

(c) Acquires ownership of beer or wine for transportation into and resale in the state of Washington; and which beer or wine is produced by a brewery or winery in the United States outside of the state of Washington; and

(d) Is appointed by the brewery or winery referenced in (c) of this subsection as its authorized representative for marketing and selling its products within the United States in accordance with a written agreement between the authorized representative and such brewery or winery pursuant to this title.

(3) "Beer" means any malt beverage, flavored malt beverage, or malt liquor as these terms are defined in this chapter.

(4) "Beer distributor" means a person who buys beer from a domestic brewery, microbrewery, beer certificate of approval holder, or beer importers, or who acquires foreign produced beer from a source outside of the United States, for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(5) "Beer importer" means a person or business within Washington who purchases beer from a beer certificate of approval holder or who acquires foreign produced beer from a source outside of the United States for the purpose of selling the same pursuant to this title.

(6) "Board" means the liquor and cannabis board, constituted under this title.

(7) "Brewer" or "brewery" means any person engaged in the business of manufacturing beer and malt liquor. Brewer includes a brand owner of malt beverages who holds a brewer's notice with the federal bureau of alcohol, tobacco, and firearms at a location outside the state and whose malt beverage is contract-produced by a licensed in-state brewery, and who may exercise within the state, under a domestic brewery license, only the privileges of storing, selling to licensed beer distributors, and exporting beer from the state.

(8) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic, or social purposes, and not for pecuniary gain.

(9) "Confection" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, dairy products, or flavorings, in the form of bars, drops, or pieces.

(10) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(11) "Contract liquor store" means a business that sells liquor on behalf of the board through a contract with a contract liquor store manager.

(12) "Craft distillery" means a distillery that pays the reduced licensing fee under RCW 66.24.140.

(13) "Delivery" means the transportation of alcohol to an individual located within Washington state from a licensed location holding an alcohol delivery endorsement as part of a delivery order. "Delivery" does not include services provided by common carriers.

(14) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his or her profession within the state pursuant to chapter 18.32 RCW.

~~((14))~~ (15) "Distiller" means a person engaged in the business of distilling spirits.

~~((15))~~ (16) "Domestic brewery" means a place where beer and malt liquor are manufactured or produced by a brewer within the state.

~~((16))~~ (17) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

~~((17))~~ (18) "Drug store" means a place whose principal business is, the sale of drugs, medicines, and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

~~((18))~~ (19) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

~~((19))~~ (20) "Employee" means any person employed by the board.

~~((20))~~ (21) "Flavored malt beverage" means:

(a) A malt beverage containing six percent or less alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than forty-nine percent of the beverage's overall alcohol content; or

(b) A malt beverage containing more than six percent alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than one and one-half percent of the beverage's overall alcohol content.

~~((21))~~ (22) "Fund" means 'liquor revolving fund.'

~~((22))~~ (23) "Hotel" means buildings, structures, and grounds, having facilities for preparing, cooking, and serving food, that are kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests. The buildings, structures, and grounds must be located on adjacent property either owned or leased by the same person or persons.

~~((23))~~ (24) "Importer" means a person who buys distilled spirits from a distillery outside the state of Washington and imports such spirituous liquor for the state for sale to the board or for export.

~~((24))~~ (25) "Imprisonment" means confinement in the county jail.

~~((25))~~ (26) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine, and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine, or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

~~((26))~~ (27) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

~~((27))~~ (28) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

~~((28))~~ (29) "Nightclub" means an establishment that provides entertainment and has as its primary source of revenue (a) the sale of alcohol for consumption on the premises, (b) cover charges, or (c) both.

~~((29))~~ (30) "Package" means any container or receptacle used for holding liquor.

~~((30))~~ (31) "Passenger vessel" means any boat, ship, vessel, barge, or other floating craft of any kind carrying passengers for compensation.

~~((31))~~ (32) "Permit" means a permit for the purchase of liquor under this title.

~~((32))~~ (33) "Person" means an individual, copartnership, association, or corporation.

~~((33))~~ (34) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his or her

profession within the state pursuant to chapter 18.71 RCW.

~~((34))~~ (35) "Powdered alcohol" means any powder or crystalline substance containing alcohol that is produced for direct use or reconstitution.

~~((35))~~ (36) "Prescription" means a memorandum signed by a physician and given by him or her to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

~~((36))~~ (37) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

~~((37))~~ (38) "Regulations" means regulations made by the board under the powers conferred by this title.

~~((38))~~ (39) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

~~((39))~~ (40) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his or her agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

~~((40))~~ (41) "Service bar" means a fixed or portable table, counter, cart, or similar workstation primarily used to prepare, mix, serve, and sell alcohol that is picked up by employees or customers. Customers may not be seated or allowed to consume food or alcohol at a service bar.

~~((41))~~ (42) "Soda fountain" means a place especially equipped with apparatus for

the purpose of dispensing soft drinks, whether mixed or otherwise.

((42)) (43) "Soju" means a traditional Korean distilled alcoholic beverage, produced using authentic Korean recipes and production methods, and derived from agricultural products, that contains not more than twenty-four percent of alcohol by volume.

((43)) (44) "Spirits" means any beverage which contains alcohol obtained by distillation, except flavored malt beverages, but including wines exceeding twenty-four percent of alcohol by volume.

((44)) (45) "Store" means a state liquor store established under this title.

((45)) (46) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

((46)) (47) "VIP airport lounge" means an establishment within an international airport located beyond security checkpoints that provides a special space to sit, relax, read, work, and enjoy beverages where access is controlled by the VIP airport lounge operator and is generally limited to the following classifications of persons:

(a) Airline passengers of any age whose admission is based on a first-class, executive, or business class ticket;

(b) Airline passengers of any age who are qualified members or allowed guests of certain frequent flyer or other loyalty incentive programs maintained by airlines that have agreements describing the conditions for access to the VIP airport lounge;

(c) Airline passengers of any age who are qualified members or allowed guests of certain enhanced amenities programs maintained by companies that have agreements describing the conditions for access to the VIP airport lounge;

(d) Airport and airline employees, government officials, foreign dignitaries, and other attendees of functions held by the airport authority or airlines related to the promotion of business objectives such as increasing international air traffic and enhancing foreign trade where access to the VIP airport lounge will be controlled by the VIP airport lounge operator; and

(e) Airline passengers of any age or airline employees whose admission is based on a pass issued or permission given by the airline for access to the VIP airport lounge.

((47)) (48) "VIP airport lounge operator" means an airline, port district, or other entity operating a VIP airport lounge that: Is accountable for compliance with the alcohol beverage control act under this title; holds the license under chapter 66.24 RCW issued to the VIP airport lounge; and provides a point of contact for addressing any licensing and enforcement by the board.

((48)) (49) (a) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing

not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel, and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (i) Wines that are both sealed or capped by cork closure and aged two years or more; and (ii) wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

(b) This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

((49)) (50) "Wine distributor" means a person who buys wine from a domestic winery, wine certificate of approval holder, or wine importer, or who acquires foreign produced wine from a source outside of the United States, for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

((50)) (51) "Wine importer" means a person or business within Washington who purchases wine from a wine certificate of approval holder or who acquires foreign produced wine from a source outside of the United States for the purpose of selling the same pursuant to this title.

((51)) (52) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

**Sec. 3.** RCW 66.20.310 and 2019 c 64 s 21 are each reenacted and amended to read as follows:

(1) (a) There is an alcohol server permit, known as a class 12 permit, for ((a)):

(i) A manager ((or bartender));  
(ii) A bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility; or  
(iii) An employee conducting alcohol deliveries for a licensee that delivers alcohol under section 1 of this act (as codified under section 7 of this act).

(b) There is an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2) (a) Effective January 1, 1997, except as provided in (d) of this subsection, every alcohol server employed, under contract or otherwise, at a retail licensed premise must be issued a class 12 or class 13 permit.



(b) Every class 12 and class 13 permit issued must be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder must present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit is valid for employment at any retail licensed premises described in (a) of this subsection.

(c) Except as provided in (d) of this subsection, no licensee holding a license as authorized by this section and RCW 66.20.300, 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.690, 66.24.450, 66.24.570, 66.24.600, 66.24.610, 66.24.650, 66.24.655, and 66.24.680 may employ or accept the services of any person without the person first having a valid class 12 or class 13 permit.

(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor must have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages on a retail licensed premises without possessing a valid alcohol server permit.

(f) Every person whose duties include the delivery of alcohol authorized under section 1 of this act (as codified under section 7 of this act) must have a class 12 permit before engaging in alcohol delivery. A delivery employee whose duties include the delivery of alcohol authorized under section 1 of this act (as codified under section 7 of this act) must complete an approved class 12 permit course that includes a curriculum component that covers best practices for delivery of alcohol.

(3) A permit issued by a training entity under this section is valid for employment at any retail licensed premises described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state or has been convicted at any time of a felony; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act of the employee or agent while employed upon the retail licensed premises. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any retail licensee or agent of a retail licensee as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic beverages, any person who does not

have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350, except for employees whose duties include serving during tasting activities under RCW 66.24.363.

**Sec. 4.** RCW 66.20.320 and 1996 c 311 s 2 are each amended to read as follows:

(1) The board shall regulate a required alcohol server education program that includes:

(a) Development of the curriculum and materials for the education program;

(b) Examination and examination procedures;

(c) Certification procedures, enforcement policies, and penalties for education program instructors and providers; and

(d) The curriculum for an approved class 12 alcohol permit training program that includes but is not limited to the following subjects:

(i) The physiological effects of alcohol including the effects of alcohol in combination with drugs;

(ii) Liability and legal information;

(iii) Driving while intoxicated;

(iv) Intervention with the problem customer, including ways to stop service, ways to deal with the belligerent customer, and alternative means of transportation to get the customer safely home;

(v) Methods for checking proper identification of customers;

(vi) Nationally recognized programs, such as TAM (Techniques in Alcohol Management) and TIPS (Training for Intervention Programs) modified to include Washington laws and ~~((regulations))~~ rules; and

(vii) Best practices for delivery of alcohol for a course approved for a person whose duties include the delivery of alcohol authorized under section 1 of this act (as codified under section 7 of this act).

(2) The board shall provide the program through liquor licensee associations, independent contractors, private persons, private or public schools certified by the board, or any combination of such providers.

(3) Each training entity shall provide a class 12 permit to the manager ~~((or))~~ bartender, or delivery employee who has successfully completed a course the board has certified. A list of the individuals receiving the class 12 permit shall be forwarded to the board on the completion of each course given by the training entity.

(4) After January 1, 1997, the board shall require all alcohol servers applying for a class 13 alcohol server permit to view a video training session. Retail liquor

licensees shall fully compensate employees for the time spent participating in this training session.

(5) When requested by a retail liquor licensee, the board shall provide copies of videotaped training programs that have been produced by private vendors and make them available for a nominal fee to cover the cost of purchasing and shipment, with the fees being deposited in the liquor revolving fund for distribution to the board as needed.

(6) Each training entity may provide the board with a video program of not less than one hour that covers the subjects in subsection (1)(d)(i) through (v) of this section that will be made available to a licensee for the training of a class 13 alcohol server.

(7) Applicants shall be given a class 13 permit upon the successful completion of the program.

(8) A list of the individuals receiving the class 13 permit shall be forwarded to the board on the completion of each video training program.

(9) The board shall develop a model permit for the class 12 and 13 permits. The board may provide such permits to training entities or licensees for a nominal cost to cover production.

(10)(a) Persons who have completed a nationally recognized alcohol management or intervention program since July 1, 1993, may be issued a class 12 or 13 permit upon providing proof of completion of such training to the board.

(b) Persons who completed the board's alcohol server training program after July 1, 1993, but before July 1, 1995, may be issued a class 13 permit upon providing proof of completion of such training to the board.

**Sec. 5.** RCW 66.24.660 and 2013 c 89 s 1 are each amended to read as follows:

Retailers may sell liquor as defined in RCW 66.04.010(~~(+25+)~~) through self-checkout registers if that register is programmed to halt that transaction during the purchase of liquor until an employee of the retailer intervenes and verifies the age of the purchaser by reviewing established forms of acceptable identification. Once age is successfully verified, the employee can release the transaction for payment. If the purchaser cannot provide acceptable forms of identification to verify age, the employee must refuse the purchase and void the transaction.

**NEW SECTION. Sec. 6.** By November 1, 2023, the liquor and cannabis board shall submit recommendations to the governor and appropriate committees of the legislature for a comprehensive alcohol delivery policy. The recommendations in the report must include a consistent, equitable structure for alcohol delivery licenses, endorsements, permits, and fees, and a comprehensive plan to help ensure all deliveries of alcohol are made only to persons who are 21 years of age or older.

**NEW SECTION. Sec. 7.** Section 1 of this act is codified as a new section in chapter 66.24 RCW.

**NEW SECTION. Sec. 8.** 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 July 1, 2023."

Correct the title.

Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Morgan; Orwall; Reeves; Walsh and Waters.

Referred to Committee on Rules for second reading

March 23, 2023

SSB 5453

Prime Sponsor, Law & Justice: Concerning female genital mutilation. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

March 24, 2023

SB 5497

Prime Sponsor, Senator Wilson, L.: Concerning medicaid expenditures. Reported by Committee on Health Care & Wellness

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

Referred to Committee on Appropriations

March 23, 2023

2SSB 5502

Prime Sponsor, Ways & Means: Ensuring access to substance use disorder treatment. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 9.94A.733 and 2021 c 266 s 1 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, an offender may not participate in the graduated reentry program under this subsection unless he or she has served at least six months in total confinement in a state correctional facility.

(i) An offender subject to (a) of this subsection may serve no more than the final five months of the offender's term of confinement in partial confinement as home

detention as part of the graduated reentry program developed by the department.

(ii) Home detention under (a) of this subsection may not be imposed for individuals subject to a deportation order, civil commitment, or the interstate compact for adult offender supervision under RCW 9.94A.745.

(b) For offenders who meet the requirements of (b)(iii) of this subsection, an offender may not participate in the graduated reentry program unless he or she has served at least four months in total confinement in a state correctional facility.

(i) An offender under this subsection (1)(b) may serve no more than the final 18 months of the offender's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by the department.

(ii) Home detention under this subsection (1)(b) may not be imposed for individuals subject to a deportation order or subject to the jurisdiction of the indeterminate sentence review board.

(iii) Home detention under this subsection (1)(b) may not be imposed for offenders currently serving a term of confinement for the following offenses:

(A) Any sex offense;

(B) Any violent offense; or

(C) Any crime against a person offense in accordance with the categorization of crimes against persons outlined in RCW 9.94A.411(2).

(2) The secretary of the department may transfer an offender from a department correctional facility to home detention in the community if it is determined that the graduated reentry program is an appropriate placement and must assist the offender's transition from confinement to the community.

(3) The department and its officers, agents, and employees are not liable for the acts of offenders participating in the graduated reentry program unless the department or its officers, agents, and employees acted with willful and wanton disregard.

(4)(a) All offenders placed on home detention as part of the graduated reentry program must provide an approved residence and living arrangement prior to transfer to home detention.

(b) The department may not transfer an offender to participate in the graduated reentry program until the department has conducted a comprehensive assessment for substance use disorder. If the offender is assessed to have a substance use disorder, the department shall assist the offender in enrolling in substance use disorder treatment services at the level deemed appropriate by the assessment. Offenders transferred to participate in the graduated reentry program must begin receiving substance use disorder treatment services as soon as practicable after transfer to avoid any delays in treatment. Substance use disorder treatment services shall include, as deemed necessary by the assessment, access to medication-assisted treatment and counseling programs. Upon transfer to the graduated reentry program, when clinically

appropriate, individuals must be provided with access to self-administered fentanyl testing supplies and medications designed to reverse the effects of opioid overdose.

(5) While in the community on home detention as part of the graduated reentry program, the department must:

(a) Require the offender to be placed on electronic home monitoring;

(b) Require the offender to participate in programming and treatment that the department shall assign based on an offender's assessed need; and

(c) Assign a community corrections officer who will monitor the offender's compliance with conditions of partial confinement and programming requirements.

(6) The department retains the authority to return any offender serving partial confinement in the graduated reentry program to total confinement for any reason including, but not limited to, the offender's noncompliance with any sentence requirement.

(7) The department may issue rental vouchers for a period not to exceed six months for those transferring to partial confinement under this section if an approved address cannot be obtained without the assistance of a voucher.

(8) In the selection of offenders to participate in the graduated reentry program, and in setting, modifying, and enforcing the requirements of the graduated reentry program, the department is deemed to be performing a quasi-judicial function.

(9) The department shall publish a monthly report on its website with the number of offenders who were transferred during the month to home detention as part of the graduated reentry program. The department shall submit an annual report by December 1st to the appropriate committees of the legislature with the number of offenders who were transferred to home detention as part of the graduated reentry program during the prior year.

(10)(a) Beginning July 1, 2023, the following data must be collected and posted to the department's website on a monthly basis:

(i) The number of offenders who were transferred to the graduated reentry program who were assessed to have a substance use disorder during the prior calendar month; and

(ii) The number of offenders in the graduated reentry program during the prior calendar month who received:

(A) Outpatient substance use disorder treatment;

(B) Inpatient substance use disorder treatment; and

(C) Both outpatient and inpatient substance use disorder treatment.

(b) Beginning July 1, 2023, the health care authority must report monthly to the department on the number of offenders in the graduated reentry program who received substance use disorder outpatient treatment, while in the community, during the prior calendar month."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Appropriations

March 24, 2023

ESSB 5512 Prime Sponsor, Higher Education & Workforce Development: Adding financial transparency reporting requirements to the public four-year dashboard. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Rules for second reading

March 22, 2023

2SSB 5518 Prime Sponsor, Ways & Means: Concerning cybersecurity. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Appropriations

March 24, 2023

SSB 5523 Prime Sponsor, Higher Education & Workforce Development: Addressing the forensic pathologist shortage. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Hansen; Jacobsen; Klicker; Leavitt; Paul; Pollet; Schmidt and Timmons.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

MINORITY recommendation: Without recommendation. Signed by Representative McEntire.

Referred to Committee on Appropriations

March 24, 2023

ESB 5534 Prime Sponsor, Senator Randall: Concerning workforce education investment accountability and oversight board staffing changes. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Appropriations

March 22, 2023

SSB 5561 Prime Sponsor, Law & Justice: Extending the expiration date of the law enforcement community engagement grant project. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 22, 2023

SSB 5672 Prime Sponsor, Ways & Means: Concerning the Washington auto theft prevention authority account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 46.66.080 and 2015 3rd sp.s. c 4 s 964 are each amended to read as follows:

(1) The Washington auto theft prevention authority account is created in the state treasury, subject to appropriation. All revenues from the traffic infraction surcharge in RCW 46.63.110(7)(b) and all receipts from gifts, grants, bequests, devises, or other funds from public and private sources to support the activities of the auto theft prevention authority must be deposited into the account. Expenditures from the account may be used only for activities relating to motor vehicle theft, including education, prevention, law enforcement, investigation, prosecution, and local confinement. ~~((During the 2011-2013, 2013-2015, and 2015-2017 fiscal biennia, the legislature may appropriate moneys from the Washington auto theft prevention authority account for criminal justice purposes and community building and may transfer funds to the state general fund such amounts as reflect the excess fund balance of the account.))~~

(2) The authority shall allocate moneys appropriated from the account to public agencies for the purpose of establishing, maintaining, and supporting programs that are designed to prevent motor vehicle theft, including:

(a) Financial support to prosecution agencies to increase the effectiveness of motor vehicle theft prosecution;

(b) Financial support to a unit of local government or a team consisting of units of local governments to increase the effectiveness of motor vehicle theft enforcement;

(c) Financial support for the procurement of equipment and technologies for use by law enforcement agencies for the purpose of enforcing motor vehicle theft laws; and

(d) Financial support for programs that are designed to educate and assist the public in the prevention of motor vehicle theft.

(3) The costs of administration shall not exceed ten percent of the moneys in the account in any one year so that the greatest possible portion of the moneys available to the authority is expended on combating motor vehicle theft.

(4) Prior to awarding any moneys from the Washington auto theft prevention authority account for motor vehicle theft enforcement, the auto theft prevention authority must verify that the financial award includes sufficient funding to cover proposed activities, which include, but are not limited to: (a) ~~((State, municipal,))Municipal~~ and county offender and juvenile confinement costs; (b) administration costs; (c) law enforcement costs; (d) prosecutor costs; and (e) court costs, with a priority being given to ensuring that sufficient funding is available to cover ~~((state,)) municipal((,))~~ and county offender and juvenile confinement costs.

(5) Moneys expended from the Washington auto theft prevention authority account under subsection (2) of this section shall be used to supplement, not supplant, other moneys that are available for motor vehicle theft prevention.

(6) Grants provided under subsection (2) of this section constitute reimbursement for purposes of RCW 43.135.060(1).

NEW SECTION. **Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; and Harris.

Referred to Committee on Rules for second reading

March 22, 2023

ESSB 5702 Prime Sponsor, Higher Education & Workforce Development: Expanding the students experiencing homelessness and foster youth pilot program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.50.916 and 2021 c 62 s 1 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, ~~((the college board shall select eight college districts, with no less than four located outside of the Puget Sound region to participate in a pilot))~~ each community and technical college may implement a program to provide assistance to students experiencing homelessness and to students who were in the foster care system when they graduated high school. ~~The ((college districts chosen to participate in the pilot))~~ program must provide certain accommodations to these students that may include, but are not limited to, the following:

- (a) Access to laundry facilities;
- (b) Access to storage;
- (c) Access to locker room and shower facilities;
- (d) Reduced-price meals or meal plans, and access to food banks;
- (e) Access to technology;
- (f) Access to short-term housing or housing assistance, especially during seasonal breaks; and
- (g) Case management services.

(2) ~~The ((college districts))~~ community and technical colleges may also establish plans to develop surplus property for affordable housing to accommodate the needs of students experiencing homelessness and students who were in the foster care system when they graduated high school.

(3) ~~The ((college districts participating in the pilot program))~~ community and technical colleges shall leverage existing community resources by making available to students in the ~~((pilot))~~ program information that is available for individuals experiencing homelessness, including through not-for-profit organizations, the local housing authority, and the department of commerce's office of homeless youth.

(4) ~~The ((college districts))~~ community and technical colleges participating in the ~~((pilot))~~ program shall annually provide a joint report to the appropriate committees of the legislature ~~((by))~~ in accordance with RCW 43.01.036 beginning December 1, 2023, that includes at least the following information:

- (a) The number of students experiencing homelessness or food insecurity, and the number of students who were in the foster care system when they graduated high school who ~~((were attending))~~ attended a community or technical college during the ~~((pilot))~~ program. The college board shall coordinate with all of the community and technical colleges to collect voluntary data on how many students experiencing homelessness or food insecurity are attending the community and technical colleges;
- (b) The number of students assisted by the ~~((pilot))~~ program;
- (c) Strategies for accommodating students experiencing homelessness or food

insecurity, and former foster care students; and

(d) Legislative recommendations for how students experiencing homelessness or food insecurity, and former foster care students could be better served.

(5) ~~((The college districts not selected to participate in the pilot program are:~~

~~(a) Invited to participate voluntarily; and~~

~~(b) Encouraged to submit the data required of the pilot program participants under subsection (4) of this section, regardless of participation status.~~

~~(6) The pilot program expires July 1, 2024.~~

~~(7) This section expires January 1, 2025)) For purposes of this section, "program" means the students experiencing homelessness and foster youth program.~~

**Sec. 2.** RCW 28B.77.850 and 2021 c 62 s 2 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, ~~((the council shall select four public four-year institutions of higher education, two on each side of the crest of the Cascade mountain range, to participate in a pilot)) each public four-year institution of higher education may implement a program to provide assistance to students experiencing homelessness and to students who were in the foster care system when they graduated high school. The ((four-year institutions of higher education chosen to participate in the pilot)) program must provide certain accommodations to these students that may include, but are not limited to, the following:~~

~~(a) Access to laundry facilities;~~

~~(b) Access to storage;~~

~~(c) Access to locker room and shower facilities;~~

~~(d) Reduced-price meals or meal plans, and access to food banks;~~

~~(e) Access to technology;~~

~~(f) Access to short-term housing or housing assistance, especially during seasonal breaks; and~~

~~(g) Case management services.~~

(2) The four-year institutions of higher education may also establish plans to develop surplus property for affordable housing to accommodate the needs of students experiencing homelessness and students who were in the foster care system when they graduated high school.

(3) The four-year institutions of higher education participating in the ~~((pilot))~~ program shall leverage existing community resources by making available to students in the ~~((pilot))~~ program information that is available for individuals experiencing homelessness, including through not-for-profit organizations, the local housing authority, and the department of commerce's office of homeless youth.

(4) The four-year institutions of higher education participating in the ~~((pilot))~~ program shall annually provide a joint report to the appropriate committees of the legislature ~~((by))~~ in accordance with RCW 43.01.036 beginning December 1, 2023, that includes at least the following information:

(a) The number of students experiencing homelessness or food insecurity, and the number of students who were in the foster care system when they graduated high school who ~~((were attending))~~ attended a four-year institution of higher education during the ~~((pilot))~~ program. The council shall coordinate with all of the four-year institutions of higher education to collect voluntary data on how many students experiencing homelessness or food insecurity are attending the four-year institutions of higher education;

(b) The number of students assisted by the ~~((pilot))~~ program;

(c) Strategies for accommodating students experiencing homelessness or food insecurity, and former foster care students; and

(d) Legislative recommendations for how students experiencing homelessness or food insecurity, and former foster care students could be better served.

(5) ~~((The four-year institutions of higher education not selected to participate in the pilot program are:~~

~~(a) Invited to participate voluntarily; and~~

~~(b) Encouraged to submit the data required of the pilot program participants under subsection (4) of this section, regardless of participation status.~~

~~(6) The pilot program expires July 1, 2024.~~

~~(7) This section expires January 1, 2025)) For purposes of this section, "program" means the students experiencing homelessness and foster youth program.~~

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg; Chopp; Davis; Fitzgibbon; Hansen; Lekanoff; Pollet; Riccelli; Ryu; Senn; Simmons; Slatter; Springer; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Chandler; Connors; Couture; Dye; Harris; Rude; Sandlin; Schmick; and Steele.

Referred to Committee on Rules for second reading

March 22, 2023

SJM 8001

Prime Sponsor, Senator Hasegawa:  
Concerning a national infrastructure bank.  
Reported by Committee on Consumer  
Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Reeves, Vice Chair; Chapman; Donaghy; Hackney; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Corry, Ranking Minority Member;

McClintock, Assistant Ranking Minority Member; Cheney; Connors; Sandlin; and Volz.

Referred to Committee on Rules for second reading

March 22, 2023

SJM 8005 Prime Sponsor, Senator Hasegawa: Addressing "de-risking" by financial institutions. Reported by Committee on Consumer Protection & Business

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

Referred to Committee on Rules for second reading

There being no objection, the bills and memorials 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 adjourned until 9:55 a.m., Tuesday, March 28, 2023, the 79th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## SEVENTY NINTH DAY

House Chamber, Olympia, Tuesday, March 28, 2023

Committee on Postsecondary Education &  
Workforce

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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**

Monday, March 27, 2023

Mme. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1007  
 SUBSTITUTE HOUSE BILL NO. 1015  
 SUBSTITUTE HOUSE BILL NO. 1060  
 HOUSE BILL NO. 1061  
 SUBSTITUTE HOUSE BILL NO. 1070  
 SUBSTITUTE HOUSE BILL NO. 1101  
 HOUSE BILL NO. 1102  
 HOUSE BILL NO. 1107  
 HOUSE BILL NO. 1179  
 SUBSTITUTE HOUSE BILL NO. 1266  
 HOUSE BILL NO. 1303  
 HOUSE BILL NO. 1319  
 SUBSTITUTE HOUSE BILL NO. 1458  
 SUBSTITUTE HOUSE BILL NO. 1499  
 HOUSE BILL NO. 1540

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

**INTRODUCTION & FIRST READING**

HB 1851 by Representatives Callan, Macri, Bergquist and Gregerson

AN ACT Relating to implementation of a sustainable funding model for the services provided through the first approach skills training program; and amending RCW 71.24.061, 71.24.063, and 71.24.064.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

**REPORTS OF STANDING COMMITTEES**

March 24, 2023

2SSB 5048 Prime Sponsor, Ways & Means: Eliminating college in the high school fees. Reported by

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Beginning on September 1, 2023, institutions of higher education must provide enrollment and registration in college in the high school courses in which a student is eligible to receive college credit available at no cost for students in the ninth, 10th, 11th, or 12th grade at public high schools.

(2) Beginning with the 2023-2025 omnibus operating appropriation act, the legislature must pass an omnibus operating appropriations act that appropriates to the state board of community and technical colleges and each of the public four-year institutions of higher education state funding for college in high school courses administered at public secondary schools.

(3) State appropriations for the college in the high school program to the institutions of higher education shall be calculated as follows: The total college in the high school courses administered in the prior academic year, funded at a rate of:

(a) \$6,000 per college in the high school course administered by a state university as defined in RCW 28B.10.016;

(b) \$5,500 per college in the high school course administered by a regional university or the state college; or

(c) \$3,500 per college in the high school course administered by a community or technical college.

(4) Beginning with fiscal year 2025 the rate per college in the high school course administered must be adjusted annually for inflation as measured by the consumer price index.

(5) State appropriations must be based on the total number of college in the high school courses administered by an institution of higher education for the academic year immediately prior to the current fiscal year. The state appropriation is based on course administration data submitted annually by October 15th to the office of financial management and legislative fiscal staff.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Community or technical college" has the same meaning as provided for under RCW 28B.50.030.



(b) "Course" means a class taught under a contract between an institution of higher education and a single high school teacher on an articulated subject in which the student is eligible to receive college credit.

(c) "High school" means a public school, as defined in RCW 28A.150.010, that serves students in any of grades nine through 12.

(d) "Institutions of higher education" has the same meaning as provided for under RCW 28B.10.016.

(e) "College in the high school" is the program created under RCW 28A.600.287.

**Sec. 2.** RCW 28A.600.287 and 2021 c 71 s 1 are each amended to read as follows:

(1) College in the high school is a dual credit program located on a high school campus or in a high school environment in which a high school student is able to earn both high school and college credit by completing college level courses with a passing grade. A college in the high school program must meet the accreditation requirements in RCW 28B.10.035 and the requirements in this section.

(2) A college in the high school program may include both academic and career and technical education.

(3) Ninth, 10th, 11th, and 12th grade students, and students who have not yet received a high school diploma or its equivalent and are eligible to be in the ninth, 10th, 11th, or 12th grades, may participate in a college in the high school program.

(4) A college in the high school program must be governed by a local contract between an institution of higher education and a school district, charter school, or state-tribal compact school, in compliance with the rules adopted by the superintendent of public instruction under this section. The local contract must include the qualifications for students to enroll in a program course.

(5) ~~((a) An institution of higher education may charge tuition fees per credit to each student enrolled in a program course as established in this subsection (5).~~

~~(b) (i) The maximum per college credit tuition fee for a program course is \$65 per college credit adjusted for inflation using the implicit price deflator for that fiscal year, using fiscal year 2021 as the base, as compiled by the bureau of labor statistics, United States department of labor for the state of Washington.~~

~~(ii) Annually by July 1st, the office of the superintendent of public instruction must calculate the maximum per college credit tuition fee and post the fee on its website.~~

~~(c) The funds received by an institution of higher education under this subsection (5) are not tuition or operating fees and may be retained by the institution of higher education.~~

~~(6)) Enrollment information on persons registered under this section must be maintained by the institution of higher education separately from other enrollment information and may not be included in official enrollment reports, nor may such~~

persons be considered in any enrollment statistics that would affect higher education budgetary determinations.

~~((7)) (6) Each school district, charter school, and state-tribal compact school must award high school credit to a student enrolled in a program course if the student successfully completes the course. If no comparable course is offered by the school district, charter school, or state-tribal compact school, the chief administrator shall determine how many credits to award for the successful completion of the program course. The determination must be made in writing before the student enrolls in the program course. The awarded credit must be applied toward graduation requirements and subject area requirements. Evidence of successful completion of each program course must be included in the student's high school records and transcript.~~

~~((8) An) (7) Each institution of higher education (must award) offering college in the high school must:~~

~~(a) Award college credit to a student enrolled in a program course ((if the student successfully completes the course. The awarded college credit must be applied toward general education requirements or degree requirements at the institution of higher education. Evidence of successful completion of each program course must be included in the student's college transcript)) and provide evidence of completion of each program course on the student's college transcript;~~

~~(b) Grant undergraduate college credit as appropriate and applicable to the student's degree requirements; and~~

~~(c) Provide course equivalencies for college in the high school courses and policy for awarding credit on the institution's website.~~

~~((9)) (8) (a) A high school that offers a college in the high school program must provide general information about the program to all students in grades eight through 12 and to the parents and guardians of those students.~~

~~(b) A high school that offers a college in the high school program must include the following information about program courses in a notification to parents and guardians of students in grades eight through 12, including by email and in beginning of the year packets, and in the high school catalogue or equivalent:~~

~~(i) There is no fee for students to enroll in a program course ((to earn only high school credit. Fees apply for students who choose to enroll in a program course to earn both high school and college credit;~~

~~(ii) A description and breakdown of the fees charged to students to earn college credit;~~

~~(iii) A description of fee payment and financial assistance options available to students; and~~

~~(iv)) for high school credit or for students to enroll in a program course for both high school and college credit; and~~

~~(ii) A notification that ((paying fee) enrolling in a program course for college credit automatically starts an official college transcript with the institution of higher education offering the~~

program course regardless of student performance in the program course, and that college credit earned upon successful completion of a program course may count only as elective credit if transferred to another institution of higher education.

~~((10))~~ (9) Full-time and part-time faculty at institutions of higher education, including adjunct faculty, are eligible to teach program courses.

~~((11))~~ Students enrolled in a program course may pay college in the high school fees with advanced college tuition payment program tuition units at a rate set by the advanced college tuition payment program governing body under chapter 28B.95 RCW.

~~((12))~~ (10) The superintendent of public instruction shall adopt rules for the administration of this section. The rules must be jointly developed by the superintendent of public instruction, the state board for community and technical colleges, the student achievement council, and the public baccalaureate institutions. The association of Washington school principals must be consulted during the rules development. The rules must outline quality and eligibility standards that are informed by nationally recognized standards or models. In addition, the rules must encourage the maximum use of the program and may not narrow or limit the enrollment options.

(13) The definitions in this subsection apply throughout this section ~~((-))~~, unless the context clearly requires otherwise:

(a) "Charter school" means a school established under chapter 28A.710 RCW.

(b) "High school" means a public school, as defined in RCW 28A.150.010, that serves students in any of grades nine through 12.

(c) "Institution of higher education" has the same meaning as in RCW 28B.10.016, and also means a public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education.

(d) "Program course" means a college course offered in a high school under a college in the high school program.

(e) "State-tribal compact school" means a school established under chapter 28A.715 RCW.

**Sec. 3.** RCW 28B.76.730 and 2021 c 71 s 6 are each amended to read as follows:

(1) The legislature recognizes that dual credit programs reduce both the cost and time of attendance to obtain a postsecondary degree. The legislature intends to reduce barriers and increase access to postsecondary educational opportunities for low-income students by removing the financial barriers for dual enrollment programs for students.

(2) The office, in consultation with the institutions of higher education and the office of the superintendent of public instruction, shall create the Washington dual enrollment scholarship pilot program. The office shall administer the Washington dual enrollment scholarship pilot program and may adopt rules as necessary.

(3) Eligible students are those who meet the following requirements:

(a) Qualify for the free or reduced-price lunch program;

(b) Are enrolled in one or more dual credit programs, as defined in RCW 28B.15.821, such as ~~((college in the high school and))~~ running start; and

(c) Have at least a 2.0 grade point average.

(4) Subject to availability of amounts appropriated for this specific purpose, beginning with the 2019-20 academic year, the office may award scholarships to eligible students. The scholarship award must be as follows ~~((+))~~:

~~((a))~~ ~~For~~ for eligible students enrolled in running start:

~~((i))~~ (a) Mandatory fees, as defined in RCW 28A.600.310(2), prorated based on credit load;

~~((ii))~~ (b) Course fees or laboratory fees as determined appropriate by college or university policies to pay for specified course related costs;

~~((iii))~~ (c) A textbook voucher to be used at the institution of higher education's bookstore where the student is enrolled. For every credit per quarter the student is enrolled, the student shall receive a textbook voucher for ten dollars, up to a maximum of fifteen credits per quarter, or the equivalent, per year; and

~~((iv))~~ (d) Apprenticeship materials as determined appropriate by the college or university to pay for specific course-related material costs, which may include occupation-specific tools, work clothes, rain gear, or boots.

~~((b))~~ ~~An eligible student enrolled in a college in the high school program may receive a scholarship for tuition fees as set forth under RCW 28A.600.287-))~~

(5) The Washington dual enrollment scholarship pilot program must apply after the fee waivers for low-income students under RCW 28A.600.310 ~~((and subsidies under RCW 28A.600.290))~~ are provided for.

**NEW SECTION. Sec. 4.** RCW 28A.600.290 (College in the high school program—Funding) and 2021 c 71 s 2, 2015 c 202 s 3, 2012 c 229 s 801, & 2009 c 450 s 3 are each repealed."

Correct the title.

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Appropriations

March 24, 2023

SSB 5110

Prime Sponsor, Labor & Commerce: Adding penalties for certain prohibited practices in chapter 49.44 RCW. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 49.44 RCW to read as follows:

Unless a specific criminal or civil penalty, civil remedy, or other enforcement is provided for a violation of a provision in this chapter, an employee, applicant, or prospective applicant aggrieved by a violation of a provision in this chapter may bring a civil action in a court of competent jurisdiction. The court may award any prevailing employee, applicant, or prospective applicant injunctive relief or other equitable relief, actual damages, and a penalty of no less than \$500 and no more than \$1,000. The court must award any prevailing employee, applicant, or prospective applicant reasonable attorneys' fees and costs."

Correct the title.

Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

March 24, 2023

**ESSB 5111** Prime Sponsor, Labor & Commerce: Concerning payments for accrued and unused sick leave for certain construction workers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

March 24, 2023

**2SSB 5128** Prime Sponsor, Ways & Means: Concerning jury diversity. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 2.36 RCW to read as follows:

The administrative office of the courts shall provide all courts with a method to collect data on a juror's race, ethnicity, age, sex, employment status, educational attainment, and income, as well as any other data approved by order of the chief justice of the Washington state supreme court. Data collection must be conducted and reported in a manner that preserves juror anonymity. The administrative office of the courts shall

publish this demographic data in an annual report to the governor.

**NEW SECTION. Sec. 2.** (1)(a) The administrative office of the courts shall establish a work group to make recommendations for the creation of a child care assistance program for individuals reporting for jury service.

(b) The purpose of the child care assistance program shall be to eliminate the absence of child care as a barrier to performing jury service.

(2)(a) By December 1, 2024, the administrative office of the courts shall report the work group findings and recommendations for establishing a child care assistance program to the appropriate committees of the legislature.

(b) The report must outline the planning and implementation of the program and an estimation of the cost.

(3) This section expires December 1, 2024.

**Sec. 3.** RCW 2.36.095 and 2013 c 246 s 1 are each amended to read as follows:

(1) Persons selected to serve on a petit jury, grand jury, or jury of inquest shall be summoned by mail or personal service, or electronically. The county clerk shall issue summons and thereby notify persons selected for jury duty. The clerk may issue summons for any jury term, in any consecutive twelve-month period, at any time thirty days or more before the beginning of the jury term for which the summons are issued. However, when applicable, the provisions of RCW 2.36.130 apply.

(2) In courts of limited jurisdiction summons shall be issued by the court. Upon the agreement of the courts, the county clerk may summon jurors for any and all courts in the county or judicial district.

**Sec. 4.** RCW 2.36.054 and 2015 c 225 s 1 are each amended to read as follows:

Unless otherwise specified by rule of the supreme court, the jury source list and master jury list for each county shall be created as provided by this section.

(1) The superior court of each county, after consultation with the county clerk and county auditor of that jurisdiction, shall annually notify the consolidated technology services agency not later than March 1st of each year of its election to use either a jury source list that is merged by the county or a jury source list that is merged by the consolidated technology services agency. The consolidated technology services agency shall annually furnish at no charge to the superior court of each county a separate list of the registered voters residing in that county as supplied annually by the secretary of state and a separate list of driver's license and identocard holders residing in that county as supplied annually by the department of licensing, or a merged list of all such persons residing in that county, in accordance with the annual notification required by this subsection. The lists provided by the consolidated technology services agency

shall be in an electronic format mutually agreed upon by the superior court requesting it and the consolidated technology services agency. The annual merger of the list of registered voters residing in each county with the list of licensed drivers and identicard holders residing in each county to form a jury source list for each county shall be in accordance with the standards and methodology established in this chapter or by superseding court rule whether the merger is accomplished by the consolidated technology services agency or by a county.

(2)(a) Persons on the lists of registered voters and driver's license and identicard holders shall be identified by a minimum of last name, first name, middle initial where available, date of birth, gender, and county of residence. Identifying information shall be used when merging the lists to ensure to the extent reasonably possible that persons are only listed once on the merged list. Conflicts in addresses are to be resolved by using the most recent record by date of last vote in a general election, date of driver's license or identicard address change or date of voter registration.

(b) After July 1, 2024, persons who:

(i) Apply for a driver's license or identicard in this state shall have the ability to opt in to allow the department of licensing to share the person's email address with the consolidated technology services agency for the purpose of electronically receiving jury summons and other communications related to jury service; and

(ii) Apply online to the register to vote shall, immediately after completing the voter registration transaction, be directed by the secretary of state to a website where the person shall have the ability to opt in to share the person's email address with the consolidated technology services agency for the purpose of electronically receiving jury summons and other communications related to jury service. The provisions of the subsection (2)(b)(ii) are subject to appropriation.

(3) The consolidated technology services agency shall provide counties that elect to receive a jury source list merged by the consolidated technology services agency with a list of names which are possible duplicates that cannot be resolved based on the identifying information required under subsection (2) of this section. If a possible duplication cannot subsequently be resolved satisfactorily through reasonable efforts by the county receiving the merged list, the possible duplicate name shall be stricken from the jury source list until the next annual jury source list is prepared."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Appropriations

March 24, 2023

SSB 5145

Prime Sponsor, Law & Justice: Clarifying existing law regarding liability protections associated with public recreational use of lands or waters under a hydroelectric license issued by the federal energy regulatory commission. Reported by Committee on Civil Rights & Judiciary

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

Referred to Committee on Rules for second reading

March 24, 2023

SB 5163

Prime Sponsor, Senator Rivers: Removing the sunset provisions on the medicaid fraud false claims act. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representative Walsh, Ranking Minority Member.

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5176

Prime Sponsor, Labor & Commerce: Concerning unemployment insurance benefits for officers of employee-owned cooperatives. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5238

Prime Sponsor, Ways & Means: Expanding collective bargaining for employees who are enrolled in academic programs at public institutions of higher education. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

March 24, 2023

2SSB 5269

Prime Sponsor, Ways & Means: Concerning Washington state manufacturing. Reported by Committee on Innovation, Community & Economic Development, & Veterans

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Cortes; Paul; Senn; Shavers and Street.

MINORITY recommendation: Do not pass. Signed by Representatives Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers; Christian; Corry; Waters; and Ybarra.

Referred to Committee on Appropriations

March 24, 2023

E2SSB 5278 Prime Sponsor, Ways & Means: Implementing audit recommendations to reduce barriers to home care aide certification. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) Long-term care supports people who need help meeting their health or personal care needs due to age or disabling conditions. Maintaining an adequate workforce of long-term care workers is critical to the system.

(2) Current law requires that home care aides complete required training and pass a test to become certified. A 2022 performance audit found that many home care aide applicants faced barriers in scheduling the test, challenges getting to the test site, and often delays of months between completing training and taking the test. Barriers and inefficiencies in this process were cited as a primary reason for many applicants dropping out prior to becoming certified.

(3) The legislature finds that improvements in this process and the reduction of barriers are necessary to ensure an adequate home care workforce.

**Sec. 2.** RCW 18.88B.031 and 2012 c 164 s 304 are each amended to read as follows:

(1) Except as provided in RCW 18.88B.041 and subject to the other requirements of this chapter, to be certified as a home care aide, a long-term care worker must successfully complete the training required under RCW 74.39A.074(1) and a certification examination. Any long-term care worker failing to make the required grade for the examination may not be certified as a home care aide.

(2) The department, in consultation with consumer and worker representatives, shall develop a home care aide certification examination to evaluate whether an applicant possesses the skills and knowledge necessary to practice competently. ~~((Except as provided by RCW 18.88B.041(1)(a)(ii), only those who have completed the training requirements in RCW 74.39A.074(1) shall be eligible to sit for this examination.))~~

(3) ~~The examination or series of examinations shall include both a skills demonstration and a written or oral knowledge test. ((The examination papers, all grading of the papers, and records related to the grading of skills demonstration shall be preserved for a period of not less than one year.))~~ The department shall establish rules governing

the number of times and under what circumstances individuals who have failed the examination may sit for the examination, including whether any intermediate remedial steps should be required. The skills demonstration, the knowledge test, or both, may be administered throughout training, on the last day of training, or after a student's formal training. An applicant may apply to take the examination during or after training. An applicant may not sit for any part of the examination prior to completing the part of the training associated with that part of the examination. The examination or series of examinations may be conducted at local testing sites around the state. For the purpose of reducing the travel time for applicants, the department shall explore alternative testing options such as remote testing.

(4) (a) All examinations shall be conducted by fair and wholly impartial methods. All examinations shall be available to be administered in the preferred language for the applicant taking the examination. The certification examination shall be administered and evaluated by ((the)):

(i) The department ((or by a));  
(ii) A contractor to the department that is ((neither))not an employer of long-term care workers ((or a private contractor providing training services under this chapter.))unless the employer is a department of social and health services approved instructor and has met the department standards for administering the examination; or

(iii) A high school or community college that has met department standards for administering the examination.

(b) The department shall conduct an annual evaluation of the examination results of applicants who complete the examination in a language other than English. If the department finds that applicants taking the examination in a particular language fail at a disproportionately higher rate than other examination takers, the department shall conduct a review of the translation to ensure that it is accurate and understandable.

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

NEW SECTION. **Sec. 3.** (1) The department of health, in consultation with the department of social and health services and other relevant participants, shall:

(a) Devise a system that reduces delays between training and testing for home care aides that includes the following:

(i) Developing and implementing a plan to integrate testing into training that allows applicants to test at the same location where they train;

(ii) Allowing remote testing within home care aide training programs immediately or shortly after completion of the program; and

(iii) Determining the benefits and costs of having home care aide training programs authorize applicants to test instead of the department of health;

(b) Examine existing challenges related to a lack of testing sites and develop a

plan, including an estimation of costs, to expand testing sites, which shall include the following considerations:

(i) Applicant travel time and availability of testing for comparable professions;

(ii) How many test sites are needed, where these sites should be located, and the best way to establish appropriate partnerships that can lead to new test sites;

(iii) How often test sites should be available to applicants; and

(iv) Whether there are areas of the state where a stipend for travel expenses would be beneficial and appropriate protocols for travel stipends;

(c) Establish performance measures and data collection criteria to monitor the overall length of time between training and testing and the number of available test sites;

(d) Establish accountability mechanisms for the overall training to testing process; and

(e) Establish performance-based contracts for vendors who administer the tests that include the following:

(i) All key performance measures expected, including a definition of what sufficient access to test sites entails; and

(ii) Detailed vendor costs.

(2)(a) When completing the requirements of subsection (1) of this section, the department of health shall ensure that its decisions are informed by existing data on test completion, including passage and failure rates for both parts of the examination.

(b) When conducting the examination under subsection (1)(b) of this section, the department of health shall:

(i) Use various geographic measures, including by county and by zip code; and

(ii) Conduct a survey of all approved testing locations in Washington to determine their current capacity for offering tests and their potential capacity to offer tests if not for the lack of available proctors.

(3) The department of health, in consultation with the department of social and health services and other relevant participants, shall submit to the governor and the appropriate committees of the legislature a preliminary report no later than June 30, 2024, and a final report no later than December 31, 2024, that includes a summary of the work conducted in accordance with the requirements specified in subsection (1) of this section and any recommendations for improvement.

(4) This section expires July 30, 2026."

Correct the title.

Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Klicker; Leavitt; Paul; Pollet; Schmidt and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Jacobsen; and McEntire.

Referred to Committee on Appropriations

March 24, 2023

2SSB 5290

Prime Sponsor, Ways & Means: Concerning consolidating local permit review processes. Reported by Committee on Local Government

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

Referred to Committee on Appropriations

March 23, 2023

ESSB 5294

Prime Sponsor, Ways & Means: Concerning actuarial funding of state retirement systems. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.45.150 and 2011 c 362 s 8 are each amended to read as follows:

(1) ~~((Beginning July 1, 2009, and ending June 30, 2015, maximum annual contribution rates are established for the portion of the employer contribution rate for the public employees' retirement system and the public safety employees' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. The maximum rates are:~~

~~Fiscal Year ending:~~

<del>2010</del>	<del>2011</del>	<del>2012</del>	<del>2013</del>	<del>2014</del>	<del>2015</del>
<del>1.25</del>	<del>1.25</del>	<del>3.75</del>	<del>4.50</del>	<del>5.25</del>	<del>6.00</del>
<del>%</del>	<del>%</del>	<del>%</del>	<del>%</del>	<del>%</del>	<del>%</del>

~~(2) Beginning September 1, 2009, and ending August 31, 2015, maximum annual contribution rates are established for the portion of the employer contribution rate for the school employees' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. The maximum rates are:~~

~~Fiscal Year ending:~~

<del>2010</del>	<del>2011</del>	<del>2012</del>	<del>2013</del>	<del>2014</del>	<del>2015</del>
<del>1.25</del>	<del>1.25</del>	<del>3.75</del>	<del>4.50</del>	<del>5.25</del>	<del>6.00</del>
<del>%</del>	<del>%</del>	<del>%</del>	<del>%</del>	<del>%</del>	<del>%</del>

~~(3) Beginning September 1, 2009, and ending August 31, 2015, maximum annual contribution rates are established for the portion of the employer contribution rate for the teachers' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the teachers' retirement system plan 1 that excludes any amounts required to~~

~~amortize plan 1 benefit improvements effective after June 30, 2009. The maximum rates are:~~

<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
<u>2.50%</u>	<u>2.00%</u>	<u>1.50%</u>	<u>1.00%</u>	<u>0.50%</u>

~~Fiscal Year ending:~~

<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
<u>2.04%</u>	<u>2.04%</u>	<u>6.50%</u>	<u>7.50%</u>	<u>8.50%</u>	<u>9.50%</u>

~~(4)) Beginning July 1, 2015, and ending June 30, 2023, a minimum 3.50 percent contribution is established as part of the basic employer contribution rate for the public employees' retirement system and the public safety employees' retirement system, to be used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. ((This minimum contribution rate shall remain effective until the actuarial value of assets in plan 1 of the public employees' retirement system equals one hundred percent of the actuarial accrued liability.~~

~~(5)) (2) Beginning September 1, 2015, and ending August 31, 2023 a minimum 3.50 percent contribution is established as part of the basic employer contribution rate for the school employees' retirement system, to be used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. ((This minimum contribution rate shall remain effective until the actuarial value of assets in plan 1 of the public employees' retirement system equals one hundred percent of the actuarial accrued liability.~~

~~(6)) (3) Beginning September 1, 2015, and ending August 31, 2023, a minimum 5.75 percent contribution is established as part of the basic employer contribution rate for the teachers' retirement system, to be used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the teachers' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. ((This minimum contribution rate shall remain effective until the actuarial value of assets in plan 1 of the teachers' retirement system equals one hundred percent of the actuarial accrued liability.~~

~~(7)) (4) (a) Beginning July 1, 2023, and ending June 30, 2027, the following employer contribution rates shall be in effect for the public employees' retirement system and the public safety employees' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009.~~

Fiscal Year ending:

(b) Beginning July 1, 2028, a minimum 0.25 percent contribution is established as part of the basic employer contribution rate for the public employees' retirement system and the public safety employees' retirement system, to be used for the sole purpose of amortizing any portion of an unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. This minimum contribution rate shall be in effect when the actuarial value of assets in plan 1 of the public employees' retirement system is less than 100 percent of the actuarial accrued liability.

(5) (a) Beginning September 1, 2023, and ending August 31, 2027, the following employer contribution rates shall be in effect for the school employees' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009.

Fiscal Year ending:

<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
<u>2.50%</u>	<u>2.00%</u>	<u>1.50%</u>	<u>1.00%</u>	<u>0.50%</u>

(b) Beginning September 1, 2028, a minimum 0.25 percent contribution is established as part of the basic employer contribution rate for the school employees' retirement system, to be used for the sole purpose of amortizing any portion of an unfunded actuarial accrued liability in the public employees' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. This minimum contribution rate shall be in effect when the actuarial value of assets in plan 1 of the public employees' retirement system is less than 100 percent of the actuarial accrued liability.

(6) (a) Beginning September 1, 2023, and ending August 31, 2027, the following employer contribution rates shall be in effect for the teachers' retirement system that is used for the sole purpose of amortizing that portion of the unfunded actuarial accrued liability in the teachers' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009.

Fiscal Year ending:

<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
<u>1.00%</u>	<u>0.50%</u>	<u>0.00%</u>	<u>0.00%</u>

(b) Beginning September 1, 2027, a minimum 0.25 percent contribution is established as part of the basic employer contribution rate for the teachers' retirement system, to be used for the sole purpose of amortizing any portion of an

unfunded actuarial accrued liability in the teachers' retirement system plan 1 that excludes any amounts required to amortize plan 1 benefit improvements effective after June 30, 2009. This minimum contribution rate shall be in effect when the actuarial value of assets in plan 1 of the teachers' retirement system is less than 100 percent of the actuarial accrued liability.

(7) Upon completion of each biennial actuarial valuation, the state actuary shall review the appropriateness of the minimum contribution rates and recommend to the council any adjustments as may be needed due to material changes in benefits or actuarial assumptions, methods, or experience. Any changes adopted by the council shall be subject to revision by the legislature.

**Sec. 2.** 2021 c 334 s 747 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TEACHERS' RETIREMENT SYSTEM PLAN 1 FUND**

General Fund—State Appropriation (FY 2023) . . . . .	(\$800,000,000)
	\$250,000,000
TOTAL APPROPRIATION . . . . .	(\$800,000,000)
	\$250,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire general fund—state appropriation is provided solely for expenditure on June 30, 2023, into the teachers' retirement system plan 1 fund, to be applied to the unfunded actuarial accrued liability.

NEW SECTION. **Sec. 3.** 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 June 30, 2023."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 24, 2023

SB 5316 Prime Sponsor, Senator Wilson, C.: Concerning background check and licensing fees for programs administered by the department of children, youth, and families. Reported by Committee on Human Services, Youth, & Early Learning

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

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; and Walsh.

Referred to Committee on Appropriations

March 24, 2023

SSB 5318 Prime Sponsor, Human Services: Limiting estate recovery. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; and Cheney.

Referred to Committee on Appropriations

March 24, 2023

ESSB 5320 Prime Sponsor, Labor & Commerce: Concerning journey level electrician certifications of competency. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

March 24, 2023

ESSB 5334 Prime Sponsor, Local Government, Land Use & Tribal Affairs: Providing a local government option for the funding of essential affordable housing programs. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 67.28 RCW to read as follows:

(1)(a) The legislative body of a county, city, or town is authorized to impose a special excise tax on the sale of or charge made for the furnishing of lodging of short-term rentals subject to tax under chapter 82.08 RCW, as provided in this section.

(b) The tax under this section applies exclusively to the sale of or charge made for the furnishing of lodging of short-term rentals facilitated through a short-term rental platform.

(c) The rate of tax under this section is imposed on the sale of, or charge made for, the furnishing of lodging of a short-term rental subject to tax under chapter 82.08 RCW. The rate of tax may not exceed 10 percent on the sale of or charge made for the furnishing of lodging of short-term rentals. The rate of tax under this section must not be imposed in increments of less than one percent.

(d) Any county ordinance or resolution adopted under this section shall contain a provision allowing a credit against the



county tax for the full amount of any city or town tax imposed under this section upon the same taxable event. The legislative authority of any county or any city may impose the tax authorized in this section in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax.

(e) A county, city, or town may develop criteria based on an operator's age and/or income to exempt no more than one short-term rental property per operator from the tax authorized under this section. A county, city, or town must specify exemption criteria and outline a certification process for the exemptions in the resolution when it adopts legislation imposing the tax under this section.

(2)(a) The legislative body of a county, city, or town must adopt a resolution of intent to adopt legislation authorizing the tax under this section prior to imposing the tax under this section.

(b) Adoption of the resolution of intent and legislation requires simple majority approval of the enacting legislative authority.

(3)(a) Except as provided in (b) of this subsection, moneys collected from the special excise tax under this section must be deposited into a separate fund to be used exclusively for the operating and capital costs of affordable housing programs including, but not limited to, homeless housing assistance, temporary shelters, and other related services. A county, city, or town may use revenues collected under this section for contracts, loans, or grants to nonprofit organizations or public housing authorities for services related to affordable housing programs.

(b) A county, city, or town may retain up to five percent of the moneys collected under this section in each calendar year for the direct and indirect costs incurred in the administration of services and programs as provided in (a) of this subsection.

(4) Beginning the year after the special excise tax authorized in this section is first collected, a county, city, or town imposing the tax must publish an annual report by March 1st of each year detailing how the revenue from the tax was spent in the prior year. The report must be made available to the public. This may include posting the report on the county's, city's, or town's website.

(5) For the purposes of this section:

(a) "Operator" has the same meaning as in RCW 64.37.010.

(b) "Short-term rental" and "short-term rental platform" have the same meanings as in RCW 64.37.010.

**Sec. 2.** RCW 67.28.181 and 2015 3rd sp.s. c 24 s 703 are each amended to read as follows:

(1) The legislative body of any municipality may impose an excise tax on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW. The rate of tax shall not exceed the lesser of two percent or a rate that, when combined with all other taxes imposed upon sales of lodging within the

municipality under this chapter and chapters 36.100, (~~(67.40,)~~) 82.08, and 82.14 RCW, equals twelve percent. A tax under this chapter shall not be imposed in increments smaller than tenths of a percent.

(2) Notwithstanding subsection (1) of this section:

(a) If a municipality was authorized to impose taxes under this chapter or RCW 67.40.100 or both with a total rate exceeding four percent before July 27, 1997, such total authorization shall continue through January 31, 1999, and thereafter the municipality may impose a tax under this section at a rate not exceeding the rate actually imposed by the municipality on January 31, 1999.

(b) If a city or town, other than a municipality imposing a tax under (a) of this subsection, is located in a county that imposed taxes under this chapter with a total rate of four percent or more on January 1, 1997, the city or town may not impose a tax under this section.

(c) If a city has a population of (~~four hundred thousand~~) 400,000 or more and is located in a county with a population of (~~one million~~) 1,000,000 or more, the rate of tax imposed under this chapter by the city shall not exceed the lesser of four percent or a rate that, when combined with all other taxes imposed upon sales of lodging in the municipality under this chapter and chapters 36.100, (~~(67.40,)~~) 82.08, and 82.14 RCW, equals (~~(fifteen)~~) 15 and two-tenths percent.

(d) If a municipality was authorized to impose taxes under this chapter or RCW 67.40.100, or both, at a rate equal to six percent before January 1, 1998, the municipality may impose a tax under this section at a rate not exceeding the rate actually imposed by the municipality on January 1, 1998.

(3) Any county ordinance or resolution adopted under this section shall contain a provision allowing a credit against the county tax for the full amount of any city or town tax imposed under this section upon the same taxable event.

(4) In determining the effective combined rate of tax for purposes of the limit in subsections (1) and (2)(c) of this section, the tax rates under RCW 82.14.530 (~~(is)~~) and section 1 of this act are not included.

**Sec. 3.** RCW 82.14.410 and 2015 3rd sp.s. c 24 s 704 are each amended to read as follows:

(1) A local sales and use tax change adopted after December 1, 2000, must provide an exemption for those sales of lodging for which, but for the exemption, the total sales tax rate imposed on sales of lodging would exceed the greater of:

(a) Twelve percent; or

(b) The total sales tax rate that would have applied to the sale of lodging if the sale were made on December 1, 2000.

(2) For the purposes of this section:

(a) "Local sales and use tax change" is defined as provided in RCW 82.14.055.

(b) "Sale of lodging" means the sale of or charge made for the furnishing of lodging and all other services by a hotel, rooming

house, tourist court, motel, trailer camp, and the granting of any similar license to use real property.

(c) "Total sales tax rate" means the combined rates of all state and local taxes imposed under this chapter and chapters 36.100, 67.28, ~~((67-40-))~~ and 82.08 RCW, and any other tax authorized after March 29, 2001, if the tax is in the nature of a sales tax collected from the buyer, but excluding taxes imposed under RCW 81.104.170 before December 1, 2000, ~~((and))~~ taxes imposed under RCW 82.14.530, and taxes imposed under section 1 of this act."

Correct the title.

Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representatives Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Finance

March 23, 2023

SB 5350

Prime Sponsor, Senator Conway: Providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that beneficiaries receiving a monthly benefit from the public employees' retirement system plan 1 and the teachers' retirement system plan 1 have experienced a loss of purchasing power due to rising inflation. Certain beneficiaries do not receive annual increases; providing a one-time cost-of-living adjustment helps address beneficiaries' loss of purchasing power. An ongoing cost-of-living adjustment would provide additional protection against further loss of purchasing power, however this policy may not be affordable until required employer contribution rates towards the unfunded accrued actuarial liability are reduced or no longer required.

NEW SECTION. **Sec. 2.** During the 2023-2025 fiscal biennium, the select committee on pension policy will study and recommend an ongoing cost-of-living adjustment for beneficiaries of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. Any recommendation must consider employer contribution rate stability and coordinate the effective date of an ongoing cost-of-living adjustment with the reduction or elimination of the unfunded accrued actuarial liability.

**Sec. 3.** RCW 41.32.4992 and 2022 c 52 s 1 are each amended to read as follows:

(1) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2017, shall receive, effective July 1, 2018, an increase to their monthly benefit of one and one-half percent multiplied by the beneficiaries' monthly benefit, not to exceed ~~((sixty-two dollars and fifty cents))~~ \$62.50.

(2) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2019, shall receive, effective July 1, 2020, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed ~~((sixty-two dollars and fifty cents))~~ \$62.50.

(3) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2021, shall receive, effective July 1, 2022, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed ~~((one hundred ten dollars and zero cents))~~ \$110.00.

(4) Beneficiaries who are receiving a monthly benefit from the teachers' retirement system plan 1 on July 1, 2022, shall receive, effective July 1, 2023, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed \$110.00.

(5) This section does not apply to those receiving benefits pursuant to RCW 41.32.489 or 41.32.540.

**Sec. 4.** RCW 41.40.1987 and 2022 c 52 s 2 are each amended to read as follows:

(1) Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2017, shall receive, effective July 1, 2018, an increase to their monthly benefit of one and one-half percent multiplied by the beneficiaries' monthly benefit, not to exceed ~~((sixty-two dollars and fifty cents))~~ \$62.50.

(2) Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2019, shall receive, effective July 1, 2020, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed ~~((sixty-two dollars and fifty cents))~~ \$62.50.

(3) Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2021, shall receive, effective July 1, 2022, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed ~~((one hundred ten dollars and zero cents))~~ \$110.00.

(4) Beneficiaries who are receiving a monthly benefit from the public employees' retirement system plan 1 on July 1, 2022, shall receive, effective July 1, 2023, an increase to their monthly benefit of three percent multiplied by the beneficiaries' monthly benefit, not to exceed \$110.00.

(5) This section does not apply to those receiving benefits pursuant to RCW 41.40.1984.

**Sec. 5.** RCW 41.45.060 and 2020 c 103 s 4 are each amended to read as follows:

(1) The state actuary shall provide preliminary actuarial valuation results based on the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035.

(2) Not later than July 31, 2008, and every two years thereafter, consistent with the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and firefighters' retirement system plan 1;

(b) Basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system; and

(c) Basic employer contribution rates for the school employees' retirement system and the public safety employees' retirement system for funding both those systems and the public employees' retirement system plan 1.

The council may adopt annual rate changes for any plan for any rate-setting period. The contribution rates adopted by the council shall be subject to revision by the legislature.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the law enforcement officers' and firefighters' retirement system plan 1 not later than June 30, 2024;

(b) To fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the public safety employees' retirement system plan 2, and the school employees' retirement system plans 2 and 3 in accordance with RCW 41.45.061, 41.45.067, and this section; and

(c) To fully fund the public employees' retirement system plan 1 and the teachers' retirement system plan 1 in accordance with RCW 41.45.070, 41.45.150, and this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 normal cost, a Washington state patrol retirement system normal cost, and a public safety employees' retirement system normal cost.

(5) A modified entry age normal cost method, as set forth in this chapter, shall be used to calculate employer contributions to the public employees' retirement system plan 1 and the teachers' retirement system plan 1.

(6) The employer contribution rate for the public employees' retirement system and the school employees' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system

over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150. The rate for benefit improvements that became effective after June 30, 2009, shall not include a rate for the improvements in this act until July 1, 2027.

(7) The employer contribution rate for the public safety employees' retirement system shall equal the sum of:

(a) The amount required to pay the normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the public employees' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the public employees' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to, and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150. The rate for benefit improvements that became effective after June 30, 2009, shall not include a rate for the improvements in this act until July 1, 2027.

(8) The employer contribution rate for the teachers' retirement system shall equal the sum of:

(a) The amount required to pay the combined plan 2 and plan 3 normal cost for the system, subject to any minimum rates applied pursuant to RCW 41.45.155; plus

(b) The amount required to amortize the unfunded actuarial accrued liability in plan 1 of the teachers' retirement system over a rolling ten-year period using projected future salary growth and growth in system membership, and subject to any minimum or maximum rates applied pursuant to RCW 41.45.150; plus

(c) The amounts required to amortize the costs of any benefit improvements in plan 1 of the teachers' retirement system that become effective after June 30, 2009. The cost of each benefit improvement shall be amortized over a fixed ten-year period using projected future salary growth and growth in system membership. The amounts required under this subsection are not subject to,

and are collected in addition to, any minimum or maximum rates applied pursuant to RCW 41.45.150. The rate for benefit improvements that became effective after June 30, 2009, shall not include a rate for the improvements in this act until July 1, 2027.

(9) The employer contribution rate for each of the institutions of higher education for the higher education supplemental retirement benefits must be sufficient to fund, as a level percentage of pay, a portion of the projected cost of the supplemental retirement benefits for the institution beginning in 2035, with the other portion supported on a pay-as-you-go basis, either as direct payments by each institution to retirees, or as contributions to the higher education retirement plan supplemental benefit fund. Contributions must continue until the council determines that the institution for higher education supplemental retirement benefit liabilities are satisfied.

(10) The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted. The rates shall be effective for the ensuing biennial period, subject to any legislative modifications.

(11) The director shall collect those rates adopted by the council. The rates established in RCW 41.45.062, or by the council, shall be subject to revision by the legislature.

(12) The state actuary shall prepare final actuarial valuation results based on the economic assumptions, asset value smoothing technique, and contribution rates included in or adopted under RCW 41.45.030, 41.45.035, and this section.

**Sec. 6.** RCW 41.45.070 and 2009 c 561 s 4 are each amended to read as follows:

(1) In addition to the basic employer contribution rate established in RCW 41.45.060 or 41.45.054, the department shall also charge employers of public employees' retirement system, teachers' retirement system, school employees' retirement system, public safety employees' retirement system, or Washington state patrol retirement system members an additional supplemental rate to pay for the cost of additional benefits, if any, granted to members of those systems. Except as provided in subsections (6), (7), and (9) of this section, the supplemental contribution rates required by this section shall be calculated by the state actuary and shall be charged regardless of language to the contrary contained in the statute which authorizes additional benefits.

(2) In addition to the basic member, employer, and state contribution rate established in RCW 41.45.0604 for the law enforcement officers' and firefighters' retirement system plan 2, the department shall also establish supplemental rates to pay for the cost of additional benefits, if any, granted to members of the law enforcement officers' and firefighters' retirement system plan 2. Except as provided in subsection (6) of this section, these

supplemental rates shall be calculated by the actuary retained by the law enforcement officers' and firefighters' board and the state actuary through the process provided in RCW 41.26.720(1)(a) and the state treasurer shall transfer the additional required contributions regardless of language to the contrary contained in the statute which authorizes the additional benefits.

(3) Beginning July 1, 2009, the supplemental rate charged under this section to fund benefit increases provided to active members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1 shall be calculated as the level percentage of all system pay needed to fund the cost of the benefit over a fixed ten-year period, using projected future salary growth and growth in system membership. The supplemental rate to fund benefit increases provided to active members of the public employees' retirement system plan 1 shall be charged to all system employers in the public employees' retirement system, the school employees' retirement system, and the public safety employees' retirement system. The supplemental rate to fund benefit increases provided to active members of the teachers' retirement system plan 1 shall be charged to all system employers in the teachers' retirement system.

(4) The supplemental rate charged under this section to fund benefit increases provided to active and retired members of the public employees' retirement system plan 2 and plan 3, the teachers' retirement system plan 2 and plan 3, the public safety employees' retirement system plan 2, the school employees' retirement system plan 2 and plan 3, or the Washington state patrol retirement system shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit, as calculated under RCW 41.45.060, 41.45.061, 41.45.0631, or 41.45.067.

(5) The supplemental rate charged under this section to fund postretirement adjustments which are provided on a nonautomatic basis to current retirees shall be calculated as the percentage of pay needed to fund the adjustments as they are paid to the retirees. Beginning July 1, 2009, the supplemental rate charged under this section to fund increases in the automatic postretirement adjustments for active or retired members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1 shall be calculated as the level percentage of pay needed to fund the cost of the automatic adjustments over a fixed ten-year period, using projected future salary growth and growth in system membership. The supplemental rate to fund increases in the automatic postretirement adjustments for active members or retired members of the public employees' retirement system plan 1 shall be charged to all system employers in the public employees' retirement system, the school employees' retirement system, and the public safety employees' retirement system. The supplemental rate to fund increases in automatic postretirement adjustments for active members or retired members of the

teachers' retirement system plan 1 shall be charged to all system employers in the teachers' retirement system.

(6) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 340, Laws of 1998.

(7) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 41.31A RCW; section 309, chapter 341, Laws of 1998; or section 701, chapter 341, Laws of 1998.

(8) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members and survivors pursuant to chapter 94, Laws of 2006.

(9) A supplemental rate shall not be charged to pay for the cost of the additional benefits granted to members of the teachers' retirement system and the school employees' retirement system plans 2 and 3 in sections 2, 4, 6, and 8, chapter 491, Laws of 2007 until September 1, 2008. A supplemental rate shall not be charged to pay for the cost of the additional benefits granted to members of the public employees' retirement system plans 2 and 3 under sections 9 and 10, chapter 491, Laws of 2007 until July 1, 2008.

(10) A supplemental rate shall not be charged to pay for the cost of the additional benefits granted to members of the teachers' retirement system and the public employees' retirement system plans 1 in this act.

**NEW SECTION. Sec. 7.** 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 July 1, 2023."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 24, 2023

**SB 5392** Prime Sponsor, Senator Schoesler: Concerning overpayments for certain matters. Reported by Committee on Civil Rights & Judiciary

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

Referred to Committee on Rules for second reading

March 24, 2023

**SSB 5399** Prime Sponsor, Business, Financial Services, Gaming & Trade: Concerning future listing

right purchase contracts. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) No future listing right purchase contract shall exceed five years duration and may not be renewed or extended. A future listing right purchase contract:

(a) Shall not be used as a lien against the real property;

(b) Shall not run with title to real property and is not binding or enforceable at law or in equity against any subsequent owner, purchaser, or mortgagee or holder of any interest in real property as an equitable servitude;

(c) May be canceled by the owner without penalty or further obligation within 10 business days after execution of the contract by owner sending notice of cancellation to the other party by mail, telegram, or other means of written communication along with the full amount of any consideration paid to the owner. Notice of cancellation is considered given when mailed, when filed for telegraphic transmission, or, if sent by other means, when delivered to the other party's designated place of business. Such cancellation right shall be set forth clearly in bold type font in the future listing right purchase contract;

(d) Shall set forth clearly in bold type font that the owner may not be compelled to list the owner's property.

(2) The attorney general may bring actions to enforce compliance with this section. The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(3) For the purposes of this section, a "future listing right purchase contract" means a contract granting an exclusive right to list residential real estate for sale in the future and includes, but is not limited to, any document recorded in the county where the real estate is located relating to the contract including the contract itself, a memorandum concerning the contract, or a deed of trust to secure the terms of the contract.

**NEW SECTION. Sec. 2.** (1) The Washington real estate commission established under chapter 18.85 RCW shall convene a work group to examine practices used by real estate brokerage companies to market, establish, and enforce future listing right purchase contracts in order to

provide recommendations for consumer protections and potential regulations, including potential licensing requirements. The work group shall be staffed by the department of licensing and include representatives from associations that represent real estate brokers, real estate brokerage companies who offer future listing right purchase contracts, and other entities that the Washington real estate commission deems appropriate. The commission shall report back to the appropriate committees of the legislature in accordance with RCW 43.01.036 by December 1, 2024, with the work group's findings and recommendations.

(2) This section expires July 1, 2025.

NEW SECTION. **Sec. 3.** Section 1 of this act constitutes a new chapter in Title 61 RCW.

NEW SECTION. **Sec. 4.** 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.

Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

March 24, 2023

2SSB 5412 Prime Sponsor, Transportation: Reducing local governments' land use permitting workloads. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.21C.229 and 2020 c 87 s 1 are each amended to read as follows:

(1) ~~((In order))~~ The purpose of this section is to accommodate infill and housing development and thereby realize the goals and policies of comprehensive plans adopted according to chapter 36.70A RCW((~~7~~-a)).

(2) A city or county planning under RCW 36.70A.040 is authorized by this section to establish categorical exemptions from the requirements of this chapter. ((An exemption adopted under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a)-.)) An exemption may be adopted by a city or county under this subsection if it meets the following criteria:

(a) It categorically exempts government action related to development proposed to fill in an urban growth area, designated according to RCW 36.70A.110, where current density and intensity of use in the area is roughly equal to or lower than called for in the goals and policies of the applicable

comprehensive plan and the development is either:

(i) Residential development;  
(ii) Mixed-use development; or  
(iii) Commercial development up to ~~((sixty-five thousand))~~ 65,000 square feet, excluding retail development;

(b) It does not exempt government action related to development that is inconsistent with the applicable comprehensive plan or would clearly exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan;

(c) The local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, planned action ordinance, or other local, state, or federal rules or laws; and

(d)(i) The city or county's applicable comprehensive plan was previously subjected to environmental analysis through an environmental impact statement under the requirements of this chapter prior to adoption; or

(ii) The city or county has prepared an environmental impact statement that considers the proposed use or density and intensity of use in the area proposed for an exemption under this section.

~~((2-Any))~~ (3) All project actions that propose to develop one or more residential housing units within the incorporated areas in an urban growth area designated pursuant to RCW 36.70A.110 or middle housing within the unincorporated areas in an urban growth area designated pursuant to RCW 36.70A.110, and that meet the criteria identified in (a) and (b) of this subsection, are categorically exempt from the requirements of this chapter. This categorical exemption applies to proposed projects that do not have existing or anticipated transportation system safety or operational deficiencies. A city or county must consult with the Washington state department of transportation to determine if anticipated transportation system safety or operation deficiencies exist in connection with a proposed project. For purposes of this subsection, "middle housing" means fourplexes, attached and detached accessory dwelling units, cottage housing, stacked flats, townhouses with more than four units, and courtyard apartments. A project action is eligible for categorical exemption under this subsection only if it meets the following criteria:

(a) The proposed development is consistent with all development regulations implementing an applicable comprehensive plan adopted according to chapter 36.70A RCW by the jurisdiction in which the development is proposed, with the exception of any development regulation that is inconsistent with applicable provisions of chapter 36.70A RCW; and

(b) The city or county's applicable comprehensive plan was previously subjected to environmental analysis under the

requirements of this chapter prior to adoption.

(4) Any categorical exemption adopted by a city or county under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a). However, any categorical exemption adopted by a city or county under this section shall be subject to the rules of the department adopted according to RCW 43.21C.110(1)(a) that provide exceptions to the use of categorical exemptions adopted by the department."

Correct the title.

Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

March 24, 2023

2SSB 5425

Prime Sponsor, Ways & Means: Concerning fire protection sprinkler system contractors. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.160.030 and 2003 c 74 s 1 are each amended to read as follows:

(1) This chapter shall be administered by the state director of fire protection.

(2) The state director of fire protection shall have the authority, and it shall be his or her duty to:

(a) Issue such administrative regulations as necessary for the administration of this chapter;

(b)(i) Set reasonable fees for licenses, certificates, testing, and other aspects of the administration of this chapter. However, the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-D fire protection sprinkler systems shall not exceed ~~((one hundred dollars))~~ \$125, and the license fee for fire protection sprinkler system contractors engaged solely in the installation, inspection, maintenance, or servicing of NFPA 13-R fire protection sprinkler systems shall not exceed ~~((three hundred dollars))~~ \$375;

(ii) Adopt rules establishing a special category restricted to contractors registered under chapter 18.27 RCW who install underground systems that service fire protection sprinkler systems. The rules shall be adopted within ~~((ninety))~~ 90 days of March 31, 1992;

(iii) Subject to RCW 18.160.120, adopt rules defining infractions under this chapter and fines to be assessed for those infractions;

(c) Enforce the provisions of this chapter;

(d) Conduct investigations of complaints to determine if any infractions of this

chapter or the regulations developed under this chapter have occurred;

(e) Assign a certificate number to each certificate of competency holder; and

(f) Adopt rules necessary to implement and administer a program which requires the affixation of a seal any time a fire protection sprinkler system is installed, which seal shall include the certificate number of any certificate of competency holder who installs, in whole or in part, the fire protection sprinkler system.

**Sec. 2.** RCW 18.160.050 and 2018 c 37 s 1 are each amended to read as follows:

(1)(a) All certificate of competency holders that desire to continue in the fire protection sprinkler business shall annually, prior to January 1st, secure from the state director of fire protection a renewal certificate of competency upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the certificate holder shall furnish the information required by the director.

(b) Failure of any certificate of competency holder to secure his or her renewal certificate of competency within ~~((sixty))~~ 60 days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the certificate of competency.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a certificate of competency that has been suspended for failure to pay the renewal fee.

(d) A certificate of competency holder may voluntarily surrender his or her certificate of competency to the state director of fire protection and be relieved of the annual renewal fee. After surrendering the certificate of competency, he or she shall not be known as a certificate of competency holder and shall desist from the practice thereof. Within two years from the time of surrender of the certificate of competency, he or she may again qualify for a certificate of competency, without examination, by the payment of the required fee. If two or more years have elapsed, he or she shall return to the status of a new applicant.

(2)(a) All licensed fire protection sprinkler system contractors desiring to continue to be licensed shall annually, prior to January 1st, secure from the state director of fire protection a renewal license upon payment of the fee as prescribed by the state director of fire protection. Application for renewal shall be upon a form prescribed by the state director of fire protection and the license holder shall furnish the information required by the director.

(b) Failure of any license holder to secure his or her renewal license within ~~((sixty))~~ 60 days after the due date shall constitute sufficient cause for the state director of fire protection to suspend the license.

(c) The state director of fire protection may, upon the receipt of payment of all delinquent fees including a late charge, restore a license that has been suspended for failure to pay the renewal fee.

(3) The initial certificate of competency or license fee shall be prorated based upon the portion of the year such certificate of competency or license is in effect, prior to renewal on January 1st.

(4) The fire protection contractor license fund is created in the custody of the state treasurer. ~~((All))~~ Except for penalties received under RCW 18.160.120, all receipts from license and certificate fees and charges or from the money generated by the rules and regulations promulgated under this chapter shall be deposited into the fund. Expenditures from the fund may be used only for purposes authorized under this chapter and for providing assistance in identifying fire sprinkler system components that have been subject to either a recall or voluntary replacement program by a manufacturer of fire sprinkler products, a nationally recognized testing laboratory, or the federal consumer product safety commission; and for use in developing and publishing educational materials related to the effectiveness of residential fire sprinklers. Assistance shall include, but is not limited to, aiding in the identification of recalled components, information sharing strategies aimed at ensuring the consumer is made aware of recalls and voluntary replacement programs, and providing training and assistance to local fire authorities, the fire sprinkler industry, and the public. Only the state director of fire protection or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

**Sec. 3.** RCW 18.160.120 and 2003 c 74 s 2 are each amended to read as follows:

(1) A fire protection sprinkler system contractor found to have committed an infraction under this chapter as defined in rule under RCW 18.160.030(2)(b)(iii) shall be assessed a fine of not less than ~~((two hundred dollars))~~ \$300 and not more than ~~((five thousand dollars))~~ \$7,500 for the first infraction, a fine of not less than \$400 and not more than \$10,000 for a second infraction by the same contractor, and a fine of not less than \$1,000 and not more than \$15,000 for the third and any subsequent infractions by the same contractor.

(2) A fire protection sprinkler system contractor who fails to obtain a certificate of competency under RCW 18.160.040 shall be assessed a fine of not less than ~~((one thousand dollars))~~ \$1,500 and not more than ~~((five thousand dollars))~~ \$7,500 for the first infraction, and a fine of not less than \$2,500 and not more than \$10,000 for a second infraction by the same contractor, and a fine of not less than \$5,000 and not more than \$25,000 for the third and any subsequent infractions by the same contractor.

(3) All fines collected under this section shall be deposited into the fire protection ~~((contractor license fund))~~ compliance account.

**NEW SECTION. Sec. 4.** A new section is added to chapter 18.160 RCW to read as follows:

The fire protection compliance account is created in the custody of the state treasurer. All fines collected under RCW 18.160.120 and the rules and regulations adopted under RCW 18.160.120 must be deposited into the account. Expenditures from the account may only be used for the purposes of enforcing this chapter. Only the state director of fire protection or their designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

**Sec. 5.** RCW 18.270.020 and 2007 c 435 s 3 are each amended to read as follows:

(1) No person may engage in the trade of fire protection sprinkler fitting without having a valid journey-level sprinkler fitter certificate, residential sprinkler fitter certificate, training certificate, or temporary certificate, with the exception of a certified plumber installing a residential fire protection sprinkler system connected to potable water requiring a plumbing certificate.

(2)(a) A person issued a training certificate under this chapter may perform fire protection sprinkler fitting work if that person is under supervision. Supervision must consist of the trainee being on the same jobsite and under the control of either a residential or journey-level fire protection sprinkler fitter certified to perform the type of work the trainee-level sprinkler fitter is performing. The ratio of trainees to certified fire protection sprinkler fitters on a jobsite is:

(i) For trainees performing residential fire protection sprinkler fitter work, not more than two trainees for every certified residential or journey-level fire protection sprinkler fitter; and

(ii) For trainees performing journey-level fire protection sprinkler fitter work, not more than one trainee for every certified journey-level fire protection sprinkler fitter.

(b) It is a violation of this chapter for a contractor to allow a trainee to perform sprinkler fitting work covered under this chapter without supervision or out of compliance with the ratios as prescribed in this subsection (2).

(3) No contractor may employ a person in violation of subsection (1) of this section to perform fire protection sprinkler fitting work.

~~((4))~~ (4) A person found by the director to have committed an infraction under this chapter shall be assessed a monetary penalty as set by rule.

~~((4))~~ (5) Each day in which a person engages in the trade of fire protection sprinkler fitting in violation of subsection (1) of this section, allows a trainee to



work unsupervised or out of ratio in violation of subsection (2) of this section, or employs a person in violation of subsection ~~((2))~~(3) of this section is considered a separate infraction.

**Sec. 6.** RCW 18.270.070 and 2007 c 435 s 8 are each amended to read as follows:

An authorized representative of the director ~~((may))~~must investigate alleged violations of this chapter. Upon request of an authorized representative, a person performing fire protection sprinkler fitting or residential sprinkler fitting work must produce evidence of a certificate issued by the director in accordance with this chapter. Failure to produce such evidence is an infraction as provided by RCW 18.270.020.

NEW SECTION. **Sec. 7.** This act takes effect January 1, 2024."

Correct the title.

Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Appropriations

March 24, 2023

SSB 5437 Prime Sponsor, Local Government, Land Use & Tribal Affairs: Concerning vacancies of the governing body of special purpose districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 42.12.070 and 2013 c 11 s 89 are each amended to read as follows:

A vacancy on an elected nonpartisan governing body of a qualifying special purpose district ~~((where property ownership is not a qualification to vote))~~, a town, or a city other than a first-class city or a charter code city, shall be filled as follows unless the provisions of law relating to the qualifying special purpose district, town, or city provide otherwise:

(1) Where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position.

(2) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or her appointment.

(3) If less than two members of a governing body remain in office, the county

legislative authority of the county in which all or the largest geographic portion of the city, town, or qualifying special purpose district is located shall appoint a qualified person or persons to the governing body until the governing body has two members.

(4) If a governing body fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the city, town, or qualifying special purpose district is located shall appoint a qualified person to fill the vacancy.

(5) If the county legislative authority of the county fails to appoint a qualified person within one hundred eighty days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the city, town, or qualifying special purpose district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.

(6) As provided in chapter 29A.24 RCW, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

(7) For purposes of this section, "qualifying special purpose district" means a fire protection district created under chapter 52.02 RCW with assessed values under \$5,000,000,000, a regional fire protection service authority created under chapter 52.26 RCW with assessed values under \$5,000,000,000, and a water-sewer district created under chapter 57.12 RCW with assessed values under \$5,000,000,000.

NEW SECTION. **Sec. 2.** A new section is added to chapter 42.12 RCW to read as follows:

A vacancy on an elected nonpartisan governing body of a special purpose district where property ownership is not a qualification to vote or that is not a qualifying special purpose district defined in RCW 42.12.070, shall be filled as follows unless the provisions of law relating to the special purpose district provide otherwise:

(1) After a vacancy occurs, the remaining members of the governing body must nominate at least one candidate at a meeting of the governing body. The governing body must then cause notice of the vacancy and the name of the nominated candidate or candidates to be posted in three public places in the special purpose district, including on the district's website if the district has a website, for a minimum of 15 days. During the notice period, registered voters who reside in the special purpose district may

submit nominations to the remaining members of the governing body.

(2) After the notice period described in subsection (1) of this section, the remaining members of the governing body shall appoint a qualified person to fill the vacant position from the candidates nominated by either the governing body or the public at a meeting of the governing body.

(3) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions under the nomination process described in subsection (1) of this section, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position under the nomination process described in subsection (1) of this section, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or her appointment.

(4) If less than two members of a governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the special purpose district is located shall appoint a qualified person or persons to the governing body until the governing body has two members.

(5) If a governing body fails to appoint a qualified person to fill a vacancy within 90 days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the special purpose district is located shall appoint a qualified person to fill the vacancy.

(6) If the county legislative authority of the county fails to appoint a qualified person within 180 days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the special purpose district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.

(7) As provided in chapter 29A.24 RCW, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

**Sec. 3.** RCW 43.06.010 and 2014 c 202 s 305 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) The governor shall supervise the conduct of all executive and ministerial offices;

(2) The governor shall see that all offices are filled, including as provided in RCW 42.12.070 and section 2 of this act, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) The governor shall make the appointments and supply the vacancies mentioned in this title;

(4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of the prosecutor's duties;

(8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;

(9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) The governor shall issue and transmit election proclamations as prescribed by law;

(11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;

(12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;

(13) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in RCW 17.24.007 or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens

life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides;

(14) The governor, after finding that a prohibited level 1 or level 2 species as defined in chapter 77.135 RCW has been detected and after finding that the detected species seriously endangers or threatens the environment, economy, human health, or well-being of the state of Washington, may order emergency measures to prevent or abate the prohibited species, which measures, after thorough evaluation of all other alternatives, may include the surface or aerial application of pesticides;

(15) On all compacts forwarded to the governor pursuant to RCW 9.46.360(6), the governor is authorized and empowered to execute on behalf of the state compacts with federally recognized Indian tribes in the state of Washington pursuant to the federal Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III gaming, as defined in the Act, on Indian lands.

**Sec. 4.** RCW 70.44.056 and 2015 c 53 s 94 are each amended to read as follows:

In all existing public hospital districts in which an increase in the number of district commissioners is proposed, the additional commissioner positions shall be deemed to be vacant and the board of commissioners of the public hospital district shall appoint qualified persons to fill those vacancies in accordance with ~~((RCW 42.12.070))~~ section 2 of this act.

Each person who is appointed shall serve until a qualified person is elected at the next general election of the district occurring one hundred twenty days or more after the date of the election at which the voters of the district approved the ballot proposition authorizing the increase in the number of commissioners. If needed, special filing periods shall be authorized as provided in RCW 29A.24.171 and 29A.24.181 for qualified persons to file for the vacant office. A primary shall be held to nominate candidates if sufficient time exists to hold a primary and more than two candidates file for the vacant office. Otherwise, no primary shall be held and the candidate receiving the greatest number of votes for each position shall be elected. Except for the initial terms of office, persons elected to each of these additional commissioner positions shall be elected to a six-year term. The newly elected commissioners shall assume office as provided in RCW 29A.60.280.

The initial terms of the new commissioners shall be staggered as follows: (1) When the number of commissioners is increased from three to five, the person elected receiving the greatest number of votes shall be elected to a six-year term of office, and the other person shall be elected to a four-year term; (2) when the number of commissioners is increased from three or five to seven, the terms of the new commissioners shall be staggered over the next three district general elections so

that two commissioners will be elected at the first district general election following the election where the additional commissioners are elected, two commissioners will be at the second district general election after the election of the additional commissioners, and three commissioners will be elected at the third district general election following the election of the additional commissioners, with the persons elected receiving the greatest number of votes elected to serve the longest terms."

Correct the title.

Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Rules for second reading

March 24, 2023

2SSB 5454

Prime Sponsor, Ways & Means: Concerning industrial insurance coverage for posttraumatic stress disorders affecting registered nurses. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 51.08.142 and 2020 c 234 s 1 are each amended to read as follows:

(1) Except as provided in ~~((subsection))~~ subsections (2) and (3) of this section, the department shall adopt a rule pursuant to chapter 34.05 RCW that claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of occupational disease in RCW 51.08.140.

(2)(a) Except as provided in (b) and (c) of this subsection, the rule adopted under subsection (1) of this section shall not apply to occupational disease claims resulting from posttraumatic stress disorders of firefighters as defined in RCW 41.26.030(17) (a), (b), (c), and (h) and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and law enforcement officers as defined in RCW 41.26.030(19) (b), (c), and (e), and public safety telecommunicators who receive calls for assistance and dispatch emergency services.

(b) For firefighters as defined in RCW 41.26.030(17) (a), (b), (c), and (h) and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and law enforcement officers as defined in RCW 41.26.030(19) (b), (c), and (e) hired after June 7, 2018, and public safety telecommunicators hired after June 11, 2020, (a) of this subsection only applies if the

firefighter or law enforcement officer or public safety telecommunicators, as a condition of employment, has submitted to a psychological examination administered by a psychiatrist licensed in the state of Washington under chapter 18.71 RCW or a psychologist licensed in the state of Washington under chapter 18.83 RCW that ruled out the presence of posttraumatic stress disorder from preemployment exposures. If the employer does not provide the psychological examination, (a) of this subsection applies.

(c) Posttraumatic stress disorder for purposes of ~~((this subsection))~~ subsections (2) and (3) of this section is not considered an occupational disease if the disorder is directly attributed to disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by an employer.

(d) "Public safety telecommunicators" means individuals who receive and respond to telephone or other electronic requests for emergency assistance, such as law enforcement, fire, and medical services, and dispatch appropriate emergency responders.

(3)(a) Except as provided in this subsection, the rule adopted under subsection (1) of this section shall not apply to occupational disease claims resulting from posttraumatic stress disorders of direct care registered nurses as defined in section 2 of this act.

(b) The limitation in subsection (2)(c) of this section also applies to this subsection (3).

**NEW SECTION. Sec. 2.** A new section is added to chapter 51.32 RCW to read as follows:

(1) In the case of direct care registered nurses covered under this title who are employed on a fully compensated basis, there exists a prima facie presumption that posttraumatic stress disorder is an occupational disease under RCW 51.08.140.

(2) The presumption may be rebutted by a preponderance of the evidence.

(3) The presumption extends to a claimant following termination of employment for a period of three calendar months for each year the claimant was a direct care registered nurse employed on a fully compensated basis, but may not extend more than 60 months following the last date of employment.

(4)(a) When a determination involving the presumption established under this section is appealed to the board of industrial insurance appeals and the final decision allows the claim for benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorneys' fees and witness fees, be paid to the claimant or his or her beneficiary by the opposing party.

(b) When determination involving the presumption established under this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of the appeal, including attorneys' fees and

witness fees, be paid to the claimant or his or her beneficiary by the opposing party.

(c) When reasonable costs of the appeal must be paid by the department under this section in a state fund case, the costs shall be paid from the accident fund and charged to the costs of the claim.

(5) For purposes of this section, "direct care registered nurse" means an individual licensed as a nurse under chapter 18.79 RCW who provides direct care to patients.

**NEW SECTION. Sec. 3.** This act takes effect January 1, 2024."

Correct the title.

Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Appropriations

March 24, 2023

SB 5457

Prime Sponsor, Senator Short: Implementing growth management task force legislative recommendations regarding small cities. Reported by Committee on Local Government

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

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5460

Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Concerning collection of assessments for irrigation and rehabilitation districts. Reported by Committee on Local Government

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

Referred to Committee on Finance

March 24, 2023

SSB 5499

Prime Sponsor, Health & Long Term Care: Concerning the multistate nurse licensure compact. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Appropriations

March 23, 2023

SSB 5538

Prime Sponsor, Ways & Means: Concerning postretirement employment in nursing positions for a state agency. Reported by Committee on Appropriations

subdivisions. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chopp; Connors; Davis; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Stokesbary, Ranking Minority Member; Chandler; Couture; Dye; Sandlin; and Schmick.

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5547

Prime Sponsor, Health & Long Term Care: Concerning nursing pool transparency. Reported by Committee on Health Care & Wellness

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

Referred to Committee on Rules for second reading

March 24, 2023

E2SSB 5582

Prime Sponsor, Ways & Means: Reducing barriers and expanding educational opportunities to increase the supply of nurses in Washington. Reported by Committee on Postsecondary Education & Workforce

MAJORITY recommendation: Do pass. Signed by Representatives Slatter, Chair; Entenman, Vice Chair; Reed, Vice Chair; Ybarra, Ranking Minority Member; Waters, Assistant Ranking Minority Member; Chandler; Hansen; Jacobsen; Klicker; Leavitt; McEntire; Paul; Pollet; Schmidt and Timmons.

Referred to Committee on Appropriations

March 24, 2023

SSB 5649

Prime Sponsor, Local Government, Land Use & Tribal Affairs: Concerning floodproofing improvements to residential structures undertaken in accordance with the Chehalis basin strategy. Reported by Committee on Local Government

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

Referred to Committee on Rules for second reading

March 23, 2023

SSB 5696

Prime Sponsor, Ways & Means: Concerning eligibility for participation in the public employees' benefits board for retired or disabled employees of counties, municipalities, and other political

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.05.080 and 2018 c 260 s 15 are each amended to read as follows:

(1) Under the qualifications, terms, conditions, and benefits set by the public employees' benefits board:

(a) (i) Retired or disabled state employees, retired or disabled school employees, retired or disabled employees of ~~((county, municipal, or other political subdivisions, or retired or disabled employees of tribal governments))~~ employer groups covered by this chapter may continue their participation in insurance plans and contracts after retirement or disablement.

(ii) The retired or disabled employees of employer groups whose contractual agreement with the authority terminates may continue their participation in insurance plans and contracts after the contractual agreement is terminated. The retired or disabled employees of employer groups whose contractual agreement with the authority terminates are not eligible for any subsidy provided under RCW 41.05.085;

(b) Separated employees may continue their participation in insurance plans and contracts if participation is selected immediately upon separation from employment;

(c) Surviving spouses, surviving state registered domestic partners, and dependent children of emergency service personnel killed in the line of duty may participate in insurance plans and contracts.

(2) Rates charged surviving spouses and surviving state registered domestic partners of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or dependent children who are not eligible for parts A and B of medicare shall be based on the experience of the community-rated risk pool established under RCW 41.05.022.

(3) Rates charged to surviving spouses and surviving state registered domestic partners of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or children who are eligible for parts A and B of medicare shall be calculated from a separate experience risk pool comprised only of individuals eligible for parts A and B of medicare; however, the premiums charged to medicare-eligible retirees and disabled employees shall be reduced by the amount of the subsidy provided under RCW 41.05.085, except as provided in subsection (1)(a)(ii) of this section.

(4) Surviving spouses, surviving state registered domestic partners, and dependent children of emergency service personnel killed in the line of duty and retired or disabled and separated employees shall be responsible for payment of premium rates developed by the authority which shall include the cost to the authority of

providing insurance coverage including any amounts necessary for reserves and administration in accordance with this chapter. These self pay rates will be established based on a separate rate for the employee, the spouse, state registered domestic partners, and the children.

(5) The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1) Employer groups that enter into a contractual agreement with the authority after the effective date of this act and whose contractual agreement with the authority is subsequently terminated, shall make a one-time payment as calculated in subsection (2) of this section to the authority for each of the employer group's retired or disabled employees who continue their participation in insurance plans and contracts under RCW 41.05.080(1)(a)(ii).

(2) For each of the employer group's retired or disabled employees who will be continuing their participation, the authority shall determine the one-time payment amount by calculating the difference in cost between the rate charged to retired or disabled employees under RCW 41.05.080(2) and the actuarially determined value of the medical benefits for retired and disabled employees who are not eligible for parts A and B of medicare, and then multiplying that difference by the number of months until the retired or disabled employee would become eligible for medicare.

(3) Employer groups shall not be entitled to any refund of the amount paid to the authority under this section.

NEW SECTION. **Sec. 3.** Any retired or disabled employee whose participation in insurance plans or contracts under RCW 41.05.080(1)(a)(ii) ended due to the termination of the contractual agreement between the authority and an employer group on or before January 1, 2023, must be allowed to return and participate in insurance plans and contracts as described in RCW 41.05.080(1)(a)(ii) so long as the retired or disabled employee notifies the health care authority in writing by December 31, 2023, after which participation will begin on the first day of the month following the date the authority receives the retired or disabled employee's written notice.

NEW SECTION. **Sec. 4.** 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.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary,

Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg; Chandler; Chopp; Connors; Couture; Davis; Dye; Fitzgibbon; Hansen; Harris; Lekanoff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Slatter; Springer; Steele; Stonier and Tharinger.

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5714

Prime Sponsor, Local Government, Land Use & Tribal Affairs: Concerning payments made for property taxes or special assessments by an automated check processing service. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.56.020 and 2022 c 143 s 1 are each amended to read as follows:

**Treasurers' tax collection duties.**

(1) The county treasurer must be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. No treasurer may accept tax payments or issue receipts for the same until the treasurer has completed the tax roll for the current year's collection and provided notification of the completion of the roll. Notification may be accomplished electronically, by posting a notice in the office, or through other written communication as determined by the treasurer. All real and personal property taxes and assessments made payable by the provisions of this title are due and payable to the county treasurer on or before the ((thirtieth))30th day of April and, except as provided in this section, are delinquent after that date.

**Tax statements.**

(2)(a) Tax statements for the current year's collection must be distributed to each taxpayer on or before March 15th provided that:

(i) All city and other taxing district budgets have been submitted to county legislative authorities by November 30th per RCW 84.52.020;

(ii) The county legislative authority in turn has certified taxes levied to the county assessor in accordance with RCW 84.52.070; and

(iii) The county assessor has delivered the tax roll to the county treasurer by January 15th per RCW 84.52.080.

(b) Each tax statement must include a notice that checks for payment of taxes may be made payable to "Treasurer of . . . . . County" or other appropriate office, but tax statements may not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(c) Each tax statement distributed to an address must include a notice with information describing the:

(i) Property tax exemption program pursuant to RCW 84.36.379 through 84.36.389; and

(ii) Property tax deferral program pursuant to chapter 84.38 RCW.

**Tax payment due dates.**

**On-time tax payments: First-half taxes paid by April 30th and second-half taxes paid by October 31st.**

(3)(a) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is (~~(fifty dollars)~~) \$50 or more, and if one-half of such tax is paid on or before the (~~(thirtieth)~~) 30th day of April, the remainder of such tax is due and payable on or before the following (~~(thirty-first)~~) 31st day of October and is delinquent after that date.

(b) Payments generated by an automated check processing service or payments sent via United States mail with no discernable postmark date and received within three business days of the 30th day of April or the 31st day of October, as required under (a) of this subsection, are not delinquent.

**Delinquent tax payments for current year: First-half taxes paid after April 30th.**

(4)(a) When the total amount of tax or special assessments on any lot, block or tract of real property, personal property, or on any mobile home payable by one person is (~~(fifty dollars)~~) \$50 or more, and if one-half of such tax is paid after the (~~(thirtieth)~~) 30th day of April but before the (~~(thirty-first)~~) 31st day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax is due and payable on or before the following (~~(thirty-first)~~) 31st day of October and is delinquent after that date.

(b) Payments generated by an automated check processing service or payments sent via United States mail with no discernable postmark date and received within three business days of the 30th day of April or the 31st day of October, as required under (a) of this subsection, are not delinquent.

**Delinquent tax payments: Interest, penalties, and treasurer duties.**

(5)(a) Except as provided in (c) of this subsection, delinquent taxes under this section are subject to interest as provided in this subsection computed on a monthly basis on the amount of tax delinquent from the date of delinquency until paid. Interest must be calculated at the rate as described below.

(i) Until December 31, 2022, the interest rate is 12 percent per annum for all nonresidential real property, residential real property, and personal property.

(ii) Beginning January 1, 2023, interest rates are as follows:

(A) Nine percent per annum for all residential real property with four or fewer units per taxable parcel, including manufactured/mobile homes as defined in RCW 59.20.030 for taxes levied in 2023 or after; or

(B) Twelve percent per annum for all other property.

(b)(i) Penalties on delinquent taxes under this section may not be assessed beginning January 1, 2022, and through December 31, 2022.

(ii) Beginning January 1, 2023, delinquent taxes under this section are subject to penalties for nonresidential real property, residential real property with greater than four units per taxable parcel, and for personal property as follows:

(A) A penalty of three percent of the amount of tax delinquent is assessed on the tax delinquent on June 1st of the year in which the tax is due.

(B) An additional penalty of eight percent is assessed on the delinquent tax amount on December 1st of the year in which the tax is due.

(iii) Penalties may not be assessed on residential real property with four or fewer units per taxable parcel, including manufactured/mobile homes as defined in RCW 59.20.030.

(c)(i) If a taxpayer is successfully participating in a payment agreement under subsection (15)(b) of this section or a partial payment program pursuant to subsection (15)(c) of this section, the county treasurer may not assess additional penalties on delinquent taxes that are included within the payment agreement. Interest and penalties that have been assessed prior to the payment agreement remain due and payable as provided in the payment agreement.

(ii) The following remain due and payable as provided in any payment agreement:

(A) Interest that has been assessed prior to the payment agreement; and

(B) Penalties assessed prior to January 1, 2022, that have been assessed prior to the payment agreement.

(6) A county treasurer must provide notification to each taxpayer whose taxes have become delinquent under subsections (4) and (5) of this section. The delinquency notice must specify where the taxpayer can obtain information regarding:

(a) Any current tax or special assessments due as of the date of the notice;

(b) Any delinquent tax or special assessments due, including any penalties and interest, as of the date of the notice; and

(c) Where the taxpayer can pay his or her property taxes directly and contact information, including but not limited to the phone number, for the statewide foreclosure hotline recommended by the Washington state housing finance commission.

(7) Within (~~(ninety)~~) 90 days after the expiration of two years from the date of delinquency (when a taxpayer's taxes have become delinquent), the county treasurer must provide the name and property address of the delinquent taxpayer to a homeownership resource center or any other designated local or state entity recommended by the Washington state housing finance commission.

**Collection of foreclosure costs.**

(8)(a) When real property taxes become delinquent and prior to the filing of the certificate of delinquency, the treasurer is authorized to assess and collect tax foreclosure avoidance costs.

(b) When tax foreclosure avoidance costs are collected, such costs must be credited to the county treasurer service fund account, except as otherwise directed.

(c) For purposes of chapter 84.64 RCW, any taxes, interest, or penalties deemed delinquent under this section remain delinquent until such time as all taxes, interest, and penalties for the tax year in which the taxes were first due and payable have been paid in full.

**Periods of armed conflict.**

(9) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed during any period of armed conflict regarding delinquent taxes imposed on the personal residences owned by active duty military personnel who are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

**State of emergency.**

(10) During a state of emergency declared under RCW 43.06.010(12), the county treasurer, on his or her own motion or at the request of any taxpayer affected by the emergency, may grant extensions of the due date of any taxes payable under this section as the treasurer deems proper.

**Retention of funds from interest.**

(11) All collections of interest on delinquent taxes must be credited to the county current expense fund.

(12) For purposes of this chapter, "interest" means both interest and penalties.

**Retention of funds from property foreclosures and sales.**

(13) The direct cost of foreclosure and sale of real property, and the direct fees and costs of distraint and sale of personal property, for delinquent taxes, must, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and must be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint, and sale because of delinquent taxes without regard to budget limitations and not subject to indirect costs of other charges.

**Tax due dates and options for tax payment collections.**

**Electronic billings and payments.**

(14) For purposes of this chapter, and in accordance with this section and RCW 36.29.190, the treasurer may collect taxes, assessments, fees, rates, interest, and charges by electronic billing and payment. Electronic billing and payment may be used as an option by the taxpayer, but the treasurer may not require the use of electronic billing and payment. Electronic bill presentment and payment may be on a monthly or other periodic basis as the treasurer deems proper for:

- (a) Delinquent tax year payments; and
- (b) Prepayments of current tax.

**Tax payments.**

**Prepayment for current taxes.**

(15) (a) The treasurer may accept prepayments for current year taxes by any means authorized. All prepayments must be paid in full by the due date specified in subsection (16) of this section.

**Payment agreements for current year taxes.**

(b) (i) The treasurer may provide, by electronic means or otherwise, a payment agreement that provides for payment of current year taxes, inclusive of prepayment collection charges. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for current year taxes.

**Payment agreements for delinquent year taxes.**

(ii) (A) The treasurer may provide, by electronic means or otherwise, a payment agreement for payment of past due delinquencies. The payment agreement must be signed by the taxpayer and treasurer or the treasurer's deputy prior to the sending of an electronic or alternative bill, which includes a payment plan for past due delinquent taxes and charges.

(B) Tax payments received by a treasurer for delinquent year taxes from a taxpayer participating on a payment agreement must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

**Partial payments: Acceptance of partial payments for current and delinquent taxes.**

(c) (i) In addition to the payment agreement program in (b) of this subsection, the treasurer may accept partial payment of any current and delinquent taxes including interest and penalties by any means authorized including electronic bill presentment and payments.

(ii) All tax payments received by a treasurer for delinquent year taxes from a taxpayer paying a partial payment must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

**Payment for delinquent taxes.**

(d) Payments on past due taxes must include collection of the oldest delinquent year, which includes interest, penalties, and taxes within an eighteen-month period, prior to filing a certificate of delinquency under chapter 84.64 RCW or distraint pursuant to RCW 84.56.070.

**Due date for tax payments.**

(16) All taxes upon real and personal property made payable by the provisions of this title are due and payable to the treasurer on or before the (~~thirtieth~~) 30th day of April and are delinquent after that date. The remainder of the tax is due and payable on or before the following (~~thirty-first~~) 31st of October and is delinquent after that date. All other assessments, fees, rates, and charges are delinquent after the due date.

**Electronic funds transfers.**

(17) A county treasurer may authorize payment of:

(a) Any current property taxes due under this chapter by electronic funds transfers on a monthly or other periodic basis; and

(b) Any past due property taxes, penalties, and interest under this chapter by electronic funds transfers on a monthly or other periodic basis. Delinquent taxes are subject to interest and penalties, as provided in subsection (5) of this section. All tax payments received by a treasurer from a taxpayer paying delinquent year taxes



must be applied first to the oldest delinquent year unless such taxpayer requests otherwise.

**Payment for administering prepayment collections.**

(18) The treasurer must pay any collection costs, investment earnings, or both on past due payments or prepayments to the credit of a county treasurer service fund account to be created and used only for the payment of expenses incurred by the treasurer, without limitation, in administering the system for collecting prepayments.

**Waiver of interest and penalties for qualified taxpayers subject to foreclosure.**

(19) No earlier than ~~((sixty))~~ 60 days prior to the date that is three years after the date of delinquency, the treasurer must waive all outstanding interest and penalties on delinquent taxes due from a taxpayer if the property is subject to an action for foreclosure under chapter 84.64 RCW and the following requirements are met:

(a) The taxpayer is income-qualified under RCW 84.36.381(5)(a), as verified by the county assessor;

(b) The taxpayer occupies the property as their principal place of residence; and

(c) The taxpayer has not previously received a waiver on the property as provided under this subsection.

**Definitions.**

(20) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Electronic billing and payment" means statements, invoices, or bills that are created, delivered, and paid using the internet. The term includes an automatic electronic payment from a person's checking account, debit account, or credit card.

(b) "Internet" has the same meaning as provided in RCW 19.270.010.

(c) "Tax foreclosure avoidance costs" means those direct costs associated with the administration of properties subject to and prior to foreclosure. Tax foreclosure avoidance costs include:

(i) Compensation of employees for the time devoted to administering the avoidance of property foreclosure; and

(ii) The cost of materials, services, or equipment acquired, consumed, or expended in administering tax foreclosure avoidance prior to the filing of a certificate of delinquency."

Correct the title.

Signed by Representatives Duerr, Chair; Alvarado, Vice Chair; Goehner, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Berg; Griffey and Riccelli.

Referred to Committee on Finance

March 24, 2023

ESSB 5716

Prime Sponsor, Health & Long Term Care:  
Concerning certain surveys performed on in-home services agencies. Reported by Committee on Health Care & Wellness

Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

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 adjourned until 10:30 a.m., Wednesday, March 29, 2023, the 80th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair;

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## EIGHTIETH DAY

House Chamber, Olympia, Wednesday, March 29, 2023

The House was called to order at 10:30 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Vedant Srinivas and Mikhaila Leo. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Shirley Delarme, Port Orchard United Methodist Church.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4631**, by Representative McClintock

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in every field of endeavor; and

WHEREAS, Hezekiah Hewes won a gold and bronze medal at the 2022 Special Olympics Spring Games; and

WHEREAS, Hezekiah placed first in the fifty-meter swim event and placed third in the twenty-five meter swim event; and

WHEREAS, Hezekiah overcame numerous obstacles in his training such as his practice pool which was far from Hewes's residence, a shortage of lifeguards which limited training hours for Hewes and those he trained with, not to mention the disastrous impact of COVID-19 pandemic lockdowns on student-athletes; and

WHEREAS, Hezekiah has proven his dedication to his studies by graduating with a 4.0 GPA while training to compete in the 2022 Special Olympics Spring Games;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives congratulate Hezekiah Hewes on his accomplishments and congratulate his mother and father as well as the Battleground community for this memorable achievement; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to gold and bronze medalist Hezekiah Hewes.

HOUSE RESOLUTION NO. 4631 was adopted.

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

## MESSAGE FROM THE SENATE

Wednesday, March 29, 2023

Mme. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8407

and the same is herewith transmitted.

Sarah Bannister, Secretary

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

## INTRODUCTION &amp; FIRST READING

HB 1852 by Representatives Wylie and Ryu

AN ACT Relating to tolling authorization for the Interstate 5 bridge replacement project; amending RCW 43.84.092 and 43.84.092; reenacting and amending RCW 47.56.810; adding new sections to chapter 47.56 RCW; creating new sections; repealing RCW 47.56.892; providing an effective date; providing a contingent effective date; and providing an expiration date.

Referred to Committee on Transportation.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

## REPORTS OF STANDING COMMITTEES

March 27, 2023

ESB 5022

Prime Sponsor, Senator Muzzall: Exempting fentanyl testing equipment from the definition of drug paraphernalia. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 69.50.102 and 2022 c 16 s 52 are each amended to read as follows:

(a) As used in this chapter, "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, ((testing,)) analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. It includes, but is not limited to:

(1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(3) Isomerization devices used, intended for use, or designed for use in increasing

the potency of any species of plant which is a controlled substance;

~~((4))~~ ~~((Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;~~

~~(5))~~ Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

~~((6))~~ (5) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;

~~((7))~~ (6) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, cannabis;

~~((8))~~ (7) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;

~~((9))~~ (8) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

~~((10))~~ (9) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

~~((11))~~ (10) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

~~((12))~~ (11) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body, such as:

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

(ii) Water pipes;

(iii) Carburetion tubes and devices;

(iv) Smoking and carburetion masks;

(v) Roach clips: Meaning objects used to hold burning material, such as a cannabis cigarette, that has become too small or too short to be held in the hand;

(vi) Miniature cocaine spoons, and cocaine vials;

(vii) Chamber pipes;

(viii) Carburetor pipes;

(ix) Electric pipes;

(x) Air-driven pipes;

(xi) Chillums;

(xii) Bongs; and

(xiii) Ice pipes or chillers.

(b) In determining whether an object is drug paraphernalia under this section, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use;

(2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

(3) The proximity of the object, in time and space, to a direct violation of this chapter;

(4) The proximity of the object to controlled substances;

(5) The existence of any residue of controlled substances on the object;

(6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended or designed for use as drug paraphernalia;

(7) Instructions, oral or written, provided with the object concerning its use;

(8) Descriptive materials accompanying the object which explain or depict its use;

(9) National and local advertising concerning its use;

(10) The manner in which the object is displayed for sale;

(11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(12) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

(13) The existence and scope of legitimate uses for the object in the community; and

(14) Expert testimony concerning its use.

**Sec. 2.** RCW 69.50.4121 and 2022 c 16 s 92 are each amended to read as follows:

(1) Every person who sells or gives, or permits to be sold or given 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, ~~((testing,))~~ analyzing, 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 ~~((legal distribution))~~ selling or giving of injection syringe or testing equipment through public health and community-based HIV prevention programs, and pharmacies.

NEW SECTION. **Sec. 3.** This act shall be known and cited as the Patrick Janicki and Allisone McClanahan act."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse; Graham and Ramos.

Referred to Committee on Rules for second reading

March 24, 2023

SB 5058 Prime Sponsor, Senator Padden: Exempting buildings with 12 or fewer units that are no more than two stories from the definition of multiunit residential building. Reported by Committee on Civil Rights & Judiciary

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

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5077 Prime Sponsor, Law & Justice: Concerning the uniform commercial code. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"PART I**

**Sec. 101.** RCW 62A.1-201 and 2012 c 214 s 109 are each amended to read as follows:

(a) Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other articles of this title that apply to particular articles or parts thereof, have the meanings stated.

(b) Subject to definitions contained in other articles of this title that apply to particular articles or parts thereof:

(1) "Action," in the sense of a judicial proceeding, includes recoupment, counterclaim, set-off, suit in equity, and any other proceeding in which rights are determined.

(2) "Aggrieved party" means a party entitled to pursue a remedy.

(3) "Agreement," as distinguished from "contract," means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including

course of performance, course of dealing, or usage of trade as provided in RCW 62A.1-303.

(4) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company.

(5) "Bearer" means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, negotiable tangible document of title, or certificated security that is payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods. The term does not include a warehouse receipt.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Article 2 of this title may be a buyer in ordinary course of business. "Buyer in ordinary course of business" does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous," with reference to a term, means so written, displayed, or presented that, based on the totality of the circumstances, a reasonable person against which it is to operate ought to have noticed it. Whether a term is "conspicuous" or not is a decision for the court. ~~((Conspicuous terms include the following:~~

~~(A) A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and~~

~~(B) Language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.)~~

(11) "Consumer" means an individual who enters into a transaction primarily for personal, family, or household purposes.

(12) "Contract," as distinguished from "agreement," means the total legal obligation that results from the parties' agreement as determined by this title as supplemented by any other applicable laws.

(13) "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

(14) "Defendant" includes a person in the position of defendant in a counterclaim, cross-claim, or third-party claim.

(15) "Delivery," with respect to an electronic document of title, means voluntary transfer of control and, with respect to an instrument, a tangible document of title, or an authoritative tangible copy of a record evidencing chattel paper, means voluntary transfer of possession.

(16) "Document of title" means a record (i) that in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold, and dispose of the record and the goods the record covers and (ii) that purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass. The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt, and order for delivery of goods. An electronic document of title means a document of title evidenced by a record consisting of information stored in an electronic medium. A tangible document of title means a document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

(16A) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(17) "Fault" means a default, breach, or wrongful act or omission.

(18) "Fungible goods" means:

(A) Goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or

(B) Goods that by agreement are treated as equivalent.

(19) "Genuine" means free of forgery or counterfeiting.

(20) "Good faith," except as otherwise provided in Article 5 of this title, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(21) "Holder" with respect to a negotiable instrument, means:

(A) The person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession;

(B) The person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

(C) The person in control, other than pursuant to RCW 62A.7-106(g), of a negotiable electronic document of title.

(22) "Insolvency proceeding" includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.

(23) "Insolvent" means:

(A) Having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;

(B) Being unable to pay debts as they become due; or

(C) Being insolvent within the meaning of federal bankruptcy law.

(24) "Money" means a medium of exchange that is currently authorized or adopted by a domestic or foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries. The term does not include an electronic record that is a medium of exchange recorded and transferable in a system that existed and operated for the medium of exchange before the medium of exchange was authorized or adopted by the government.

(25) "Organization" means a person other than an individual.

(26) "Party," as distinguished from "third party," means a person that has engaged in a transaction or made an agreement subject to this title.

(27) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, ~~((public corporation,))~~ or any other legal or commercial entity. The term includes a protected series, however denominated, of an entity if the protected series is established under law other than this title that limits, or limits if conditions specified under the law are satisfied, the ability of a creditor of the entity or of any other protected series of the entity to satisfy a claim from assets of the protected series.

(28) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

(29) "Purchase" means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

(30) "Purchaser" means a person that takes by purchase.

(31) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(32) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(33) "Representative" means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor, or administrator of an estate.

(34) "Right" includes remedy.

(35) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. "Security interest" includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to Article 9A of this title. "Security interest" does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under RCW 62A.2-401, but a buyer may also acquire a "security interest" by complying with Article 9A of this title. Except as otherwise provided in RCW 62A.2-505, the right of a seller or lessor of goods under Article 2 or 2A of this title to retain or acquire possession of the goods is not a "security interest," but a seller or lessor may also acquire a "security interest" by complying with Article 9A of this title. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under RCW 62A.2-401 is limited in effect to a reservation of a "security interest." Whether a transaction in the form of a lease creates a "security interest" is determined pursuant to RCW 62A.1-203.

(36) "Send" in connection with a ~~((writing,))~~ record ~~((r))~~ or ~~((notice))~~ notification, means:

(A) To deposit in the mail ~~((or))~~ deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for ~~((and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none)),~~ addressed to any address reasonable under the circumstances; or

(B) ~~((In any other way to cause to be received any record or notice within the time it would have arrived if properly sent))~~ to cause the record or notification to be received within the time it would have been received if properly sent under (36)(A) of this subsection.

(37) ~~((("Signed" includes using any symbol executed or adopted with present intention to adopt or accept a writing.))~~ "Sign" means, with present intent to authenticate or adopt a record:

(A) Execute or adopt a tangible symbol; or

(B) Attach to or logically associate with the record an electronic symbol, sound, or process.

"Signed," "signing," and "signature" have corresponding meanings.

(38) "State" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(39) "Surety" includes a guarantor or other secondary obligor.

(40) "Term" means a portion of an agreement that relates to a particular matter.

(41) "Unauthorized signature" means a signature made without actual, implied, or apparent authority. The term includes a forgery.

(42) "Warehouse receipt" means a document of title issued by a person engaged in the business of storing goods for hire.

(43) "Writing" includes printing, typewriting, or any other intentional reduction to tangible form. "Written" has a corresponding meaning.

**Sec. 102.** RCW 62A.1-204 and 2012 c 214 s 112 are each amended to read as follows:

Except as otherwise provided in Articles 3, 4, ~~((and))~~ 5, and 12 of this title, a person gives value for rights if the person acquires them:

(1) In return for a binding commitment to extend credit or for the extension of immediately available credit, whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection;

(2) As security for, or in total or partial satisfaction of, a preexisting claim;

(3) By accepting delivery under a preexisting contract for purchase; or

(4) In return for any consideration sufficient to support a simple contract.

**Sec. 103.** RCW 62A.1-301 and 2012 c 214 s 115 are each amended to read as follows:

(a) Except as otherwise provided in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties.

(b) In the absence of an agreement effective under subsection (a) of this section, and except as provided in subsection (c) of this section, this title applies to transactions bearing an appropriate relation to this state.

(c) If one of the following provisions of this title specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law so specified:

- (1) RCW 62A.2-402;
- (2) RCW 62A.2A-105 and 62A.2A-106;
- (3) RCW 62A.4-102;
- (4) RCW 62A.4A-507;
- (5) RCW 62A.5-116;
- (6) RCW 62A.8-110;
- (7) RCW 62A.9A-301 through 62A.9A-307;

and (8) Section 1007 of this act.

**Sec. 104.** RCW 62A.1-306 and 2012 c 214 s 120 are each amended to read as follows:

A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in ~~((an authenticated))~~ a signed record.

## PART II

**Sec. 201.** RCW 62A.2-102 and 1965 ex.s. c 157 s 2-102 are each amended to read as follows:

~~((Unless the context otherwise requires, this Article applies to transactions in goods; it does not apply to any transaction which although in the form of an unconditional contract to sell or present sale is intended to operate only as a security transaction nor does this Article impair or repeal any statute regulating sales to consumers, farmers or other specified classes of buyers.))~~ (1) Unless the context otherwise requires, and except as provided in subsection (3) of this section, this Article applies to transactions in goods and, in the case of a hybrid transaction, it applies to the extent provided in subsection (2) of this section.

(2) In a hybrid transaction:

(a) If the sale-of-goods aspects do not predominate, only the provisions of this Article which relate primarily to the sale-of-goods aspects of the transaction apply, and the provisions that relate primarily to the transaction as a whole do not apply.

(b) If the sale-of-goods aspects predominate, this Article applies to the transaction but does not preclude application in appropriate circumstances of other law to aspects of the transaction which do not relate to the sale of goods.

(3) This Article does not:

(a) Apply to a transaction that, even though in the form of an unconditional contract to sell or present sale, operates only to create a security interest; or

(b) Impair or repeal a statute regulating sales to consumers, farmers, or other specified classes of buyers.

**Sec. 202.** RCW 62A.2-106 and 1965 ex.s. c 157 s 2-106 are each amended to read as follows:

(1) In this Article unless the context otherwise requires "contract" and "agreement" are limited to those relating to the present or future sale of goods. "Contract for sale" includes both a present sale of goods and a contract to sell goods at a future time. A "sale" consists in the passing of title from the seller to the buyer for a price (RCW 62A.2-401). A "present sale" means a sale which is accomplished by the making of the contract.

(2) Goods or conduct including any part of a performance are "conforming" or conform to the contract when they are in accordance with the obligations under the contract.

(3) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the contract otherwise than for its breach. On "termination" all obligations which are still executory on both sides are discharged but any right based on prior breach or performance survives.

(4) "Cancellation" occurs when either party puts an end to the contract for breach by the other and its effect is the same as that of "termination" except that the canceling party also retains any remedy for

breach of the whole contract or any unperformed balance.

(5) "Hybrid transaction" means a single transaction involving a sale of goods and:

(a) The provision of services;  
(b) A lease of other goods; or  
(c) A sale, lease, or license of property other than goods.

**Sec. 203.** RCW 62A.2-201 and 2013 c 23 s 126 are each amended to read as follows:

(1) Except as otherwise provided in this section, a contract for the sale of goods for the price of ~~((five hundred dollars))~~ \$500 or more is not enforceable by way of action or defense unless there is ~~((some writing))~~ a record sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by ~~((his or her))~~ the party's authorized agent or broker. A ~~((writing))~~ record is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this ~~((paragraph))~~ subsection beyond the quantity of goods shown in ~~((such writing))~~ the record.

(2) Between merchants if within a reasonable time a ~~((writing))~~ record in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection (1) of this section against ~~((such))~~ the party unless ~~((written))~~ notice in a record of objection to its contents is given within ~~((ten))~~ 10 days after it is received.

(3) A contract which does not satisfy the requirements of subsection (1) of this section but which is valid in other respects is enforceable:

(a) If the goods are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the seller's business and the seller, before notice of repudiation is received and under circumstances which reasonably indicate that the goods are for the buyer, has made either a substantial beginning of their manufacture or commitments for their procurement; or

(b) If the party against whom enforcement is sought admits in his or her pleading, testimony, or otherwise in court that a contract for sale was made, but the contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) With respect to goods for which payment has been made and accepted or which have been received and accepted (RCW 62A.2-606).

**Sec. 204.** RCW 62A.2-202 and 2012 c 214 s 803 are each amended to read as follows:

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a ~~((writing))~~ record intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a

contemporaneous oral agreement but may be explained or supplemented:

(a) By course of performance, course of dealing, or usage of trade (RCW 62A.1-303); and

(b) By evidence of consistent additional terms unless the court finds the ~~((writing))~~ record to have been intended also as a complete and exclusive statement of the terms of the agreement.

**Sec. 205.** RCW 62A.2-203 and 1965 ex.s. c 157 s 2-203 are each amended to read as follows:

The affixing of a seal to a ~~((writing))~~ record evidencing a contract for sale or an offer to buy or sell goods does not constitute the ~~((writing))~~ record a sealed instrument and the law with respect to sealed instruments does not apply to such contract or offer.

**Sec. 206.** RCW 62A.2-205 and 1965 ex.s. c 157 s 2-205 are each amended to read as follows:

An offer by a merchant to buy or sell goods in a signed ~~((writing))~~ record which by its terms gives assurance that it will be held open is not revocable, for lack of consideration, during the time stated or if no time is stated for a reasonable time, but in no event may such period of irrevocability exceed three months; but any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

**Sec. 207.** RCW 62A.2-209 and 1965 ex.s. c 157 s 2-209 are each amended to read as follows:

(1) An agreement modifying a contract within this Article needs no consideration to be binding.

(2) A signed agreement which excludes modification or rescission except by a signed writing or other signed record cannot be otherwise modified or rescinded, but except as between merchants such a requirement on a form supplied by the merchant must be separately signed by the other party.

(3) The requirements of the statute of frauds section of this Article (RCW 62A.2-201) must be satisfied if the contract as modified is within its provisions.

(4) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) or (3) it can operate as a waiver.

(5) A party who has made a waiver affecting an executory portion of the contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

### PART III

**Sec. 301.** RCW 62A.2A-102 and 1993 c 230 s 2A-102 are each amended to read as follows:

(1) This Article applies to any transaction, regardless of form, that creates a lease and, in the case of a hybrid lease, it applies to the extent provided in subsection (2) of this section.

(2) In a hybrid lease:

(a) If the lease-of-goods aspects do not predominate:

(i) Only the provisions of this Article which relate primarily to the lease-of-goods aspects of the transaction apply, and the provisions that relate primarily to the transaction as a whole do not apply;

(ii) RCW 62A.2A-209 applies if the lease is a finance lease; and

(iii) RCW 62A.2A-407 applies to the promises of the lessee in a finance lease to the extent the promises are consideration for the right to possession and use of the leased goods; and

(b) If the lease-of-goods aspects predominate, this Article applies to the transaction, but does not preclude application in appropriate circumstances of other law to aspects of the lease which do not relate to the lease of goods.

**Sec. 302.** RCW 62A.2A-103 and 2012 c 214 s 902 are each amended to read as follows:

(1) In this Article unless the context otherwise requires:

(a) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash, or by exchange of other property, or on secured or unsecured credit, and includes acquiring goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(b) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party.

(c) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article, as a machine, or a set of articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole.

(d) "Conforming" goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract.

(e) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is an individual who takes under the lease primarily for a personal, family, or household purpose, if the total payments to



be made under the lease contract, excluding payments for options to renew or buy, do not exceed twenty-five thousand dollars.

(f) "Fault" means wrongful act, omission, breach, or default.

(g) "Finance lease" means a lease with respect to which:

(i) The lessor does not select, manufacture, or supply the goods;

(ii) The lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and

(iii) Only in the case of a consumer lease, either:

(A) The lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;

(B) The lessee's approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract; or

(C) The lessee, before signing the lease contract, receives an accurate and complete statement designating the promises and warranties, and any disclaimers of warranties, limitations or modifications of remedies, or liquidated damages, including those of a third party, such as the manufacturer of the goods, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods.

(h) "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures (RCW 62A.2A-309), but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction. The term also includes the unborn young of animals.

(h.1) "Hybrid lease" means a single transaction involving a lease of goods and:

(i) The provision of services;

(ii) A sale of other goods; or

(iii) A sale, lease, or license of property other than goods.

(i) "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent.

(j) "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease. Unless the context clearly indicates otherwise, the term includes a sublease.

(k) "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this Article. Unless the context clearly indicates otherwise, the term includes a sublease agreement.

(l) "Lease contract" means the total legal obligation that results from the lease

agreement as affected by this Article and any other applicable rules of law. Unless the context clearly indicates otherwise, the term includes a sublease contract.

(m) "Leasehold interest" means the interest of the lessor or the lessee under a lease contract.

(n) "Lessee" means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessee.

(o) "Lessee in ordinary course of business" means a person who in good faith and without knowledge that the lease to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, leases in ordinary course from a person in the business of selling or leasing goods of that kind but does not include a pawnbroker. "Leasing" may be for cash, or by exchange of other property, or on secured or unsecured credit and includes acquiring goods or documents of title under a preexisting lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(p) "Lessor" means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessor.

(q) "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination, or cancellation of the lease contract.

(r) "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest.

(s) "Lot" means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

(t) "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease.

(u) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

(v) "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift, or any other voluntary transaction creating an interest in goods.

(w) "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

(x) "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease.

(y) "Supply contract" means a contract under which a lessor buys or leases goods to be leased.

(z) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.

(2) Other definitions applying to this Article or to specified Parts thereof, and the sections in which they appear are:

"Accessions."	RCW 62A.2A-310.
"Construction mortgage."	RCW 62A.2A-309.
"Encumbrance."	RCW 62A.2A-309.
"Fixtures."	RCW 62A.2A-309.
"Fixture filing."	RCW 62A.2A-309.
"Purchase money lease."	RCW 62A.2A-309.

(3) The following definitions in other articles apply to this Article:

"Account."	RCW 62A.9A-102.
"Between merchants."	RCW 62A.2-104.
"Buyer."	RCW 62A.2-103.
"Chattel paper."	RCW 62A.9A-102.
"Consumer goods."	RCW 62A.9A-102.
"Document."	RCW 62A.9A-102.
"Entrusting."	RCW 62A.2-403.
"General intangible."	RCW 62A.9A-102.
"Instrument."	RCW 62A.9A-102.
"Merchant."	RCW 62A.2-104(1).
"Mortgage."	RCW 62A.9A-102.
"Pursuant to commitment."	RCW 62A.9A-102.
"Receipt."	RCW 62A.2-103.
"Sale."	RCW 62A.2-106.
"Sale on approval."	RCW 62A.2-326.
"Sale or return."	RCW 62A.2-326.
"Seller."	RCW 62A.2-103.

(4) In addition, Article 1 of this title contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 303.** RCW 62A.2A-107 and 1993 c 230 s 2A-107 are each amended to read as follows:

Any claim or right arising out of an alleged default or breach of warranty may be discharged in whole or in part without consideration by a (~~written~~) waiver or renunciation in a signed (~~and~~) record delivered by the aggrieved party.

**Sec. 304.** RCW 62A.2A-201 and 1993 c 230 s 2A-201 are each amended to read as follows:

(1) A lease contract is not enforceable by way of action or defense unless:

(a) The total payments to be made under the lease contract, excluding payments for options to renew or buy, are less than one thousand dollars; or

(b) There is a (~~writing~~) record, signed by the party against whom enforcement is sought or by that party's authorized agent, sufficient to indicate that a lease contract has been made between the parties and to describe the goods leased and the lease term.

(2) Any description of leased goods or of the lease term is sufficient and satisfies subsection (1)(b) of this section, whether or not it is specific, if it reasonably identifies what is described.

(3) A (~~writing~~) record is not insufficient because it omits or incorrectly states a term agreed upon, but the lease contract is not enforceable under subsection (1)(b) of this section beyond the lease term and the quantity of goods shown in the (~~writing~~) record.

(4) A lease contract that does not satisfy the requirements of subsection (1) of this section, but which is valid in other respects, is enforceable:

(a) If the goods are to be specially manufactured or obtained for the lessee and are not suitable for lease or sale to others in the ordinary course of the lessor's business, and the lessor, before notice of repudiation is received and under circumstances that reasonably indicate that the goods are for the lessee, has made either a substantial beginning of their manufacture or commitments for their procurement;

(b) If the party against whom enforcement is sought admits in that party's pleading, testimony, or otherwise in court that a lease contract was made, but the lease contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) With respect to goods that have been received and accepted by the lessee.

(5) The lease term under a lease contract referred to in subsection (4) of this section is:

(a) If there is a (~~writing~~) record signed by the party against whom enforcement is sought or by that party's authorized agent specifying the lease term, the term so specified;

(b) If the party against whom enforcement is sought admits in that party's pleading, testimony, or otherwise in court a lease term, the term so admitted; or

(c) A reasonable lease term.

**Sec. 305.** RCW 62A.2A-202 and 1993 c 230 s 2A-202 are each amended to read as follows:

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a (~~writing~~) record intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

(1) By course of dealing or usage of trade or by course of performance; and

(2) By evidence of consistent additional terms unless the court finds the (~~writing~~) record to have been intended also

as a complete and exclusive statement of the terms of the agreement.

**Sec. 306.** RCW 62A.2A-203 and 1993 c 230 s 2A-203 are each amended to read as follows:

The affixing of a seal to a ~~((writing))~~ record evidencing a lease contract or an offer to enter into a lease contract does not render the ~~((writing))~~ record a sealed instrument and the law with respect to sealed instruments does not apply to the lease contract or offer.

**Sec. 307.** RCW 62A.2A-205 and 1993 c 230 s 2A-205 are each amended to read as follows:

An offer by a merchant to lease goods to or from another person in a signed ~~((writing))~~ record that by its terms gives assurance it will be held open is not revocable, for lack of consideration, during the time stated or, if no time is stated, for a reasonable time, but in no event may the period of irrevocability exceed three months. Any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

**Sec. 308.** RCW 62A.2A-208 and 1993 c 230 s 2A-208 are each amended to read as follows:

(1) An agreement modifying a lease contract needs no consideration to be binding.

(2) A signed lease agreement that excludes modification or rescission except by a signed ~~((writing))~~ record may not be otherwise modified or rescinded, but, except as between merchants, such a requirement on a form supplied by a merchant must be separately signed by the other party.

(3) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) of this section, it may operate as a waiver.

(4) A party who has made a waiver affecting an executory portion of a lease contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

#### PART IV

**Sec. 401.** RCW 62A.3-104 and 1993 c 229 s 6 are each amended to read as follows:

(a) Except as provided in subsections (c) and (d), "negotiable instrument" means an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order, if it:

(1) Is payable to bearer or to order at the time it is issued or first comes into possession of a holder;

(2) Is payable on demand or at a definite time; and

(3) Does not state any other undertaking or instruction by the person promising or ordering payment to do any act in addition to the payment of money, but the promise or order may contain (i) an undertaking or power to give, maintain, or protect collateral to secure payment, (ii) an authorization or power to the holder to confess judgment or realize on or dispose of collateral, ~~((or))~~ (iii) a waiver of the benefit of any law intended for the advantage or protection of an obligor, (iv) a term that specifies the law that governs the promise or order, or (v) an undertaking to resolve in a specified forum a dispute concerning the promise or order.

(b) "Instrument" means a negotiable instrument.

(c) An order that meets all of the requirements of subsection (a), except subsection (a)(1), and otherwise falls within the definition of "check" in subsection (f) is a negotiable instrument and a check.

(d) A promise or order other than a check is not an instrument if, at the time it is issued or first comes into possession of a holder, it contains a conspicuous statement, however expressed, to the effect that the promise or order is not negotiable or is not an instrument governed by this Article.

(e) An instrument is a "note" if it is a promise and is a "draft" if it is an order. If an instrument falls within the definition of both "note" and "draft," a person entitled to enforce the instrument may treat it as either.

(f) "Check" means (i) a draft, other than a documentary draft, payable on demand and drawn on a bank, or (ii) a cashier's check or teller's check. An instrument may be a check even though it is described on its face by another term, such as "money order."

(g) "Cashier's check" means a draft with respect to which the drawer and drawee are the same bank or branches of the same bank.

(h) "Teller's check" means a draft drawn by a bank (i) on another bank, or (ii) payable at or through a bank.

(i) "Traveler's check" means an instrument that (i) is payable on demand, (ii) is drawn on or payable at or through a bank, (iii) is designated by the term "traveler's check" or by a substantially similar term, and (iv) requires, as a condition to payment, a countersignature by a person whose specimen signature appears on the instrument.

(j) "Certificate of deposit" means an instrument containing an acknowledgment by a bank that a sum of money has been received by the bank and a promise by the bank to repay the sum of money. A certificate of deposit is a note of the bank.

**Sec. 402.** RCW 62A.3-105 and 1993 c 229 s 7 are each amended to read as follows:

(a) "Issue" means ~~((the))~~:

(1) The first delivery of an instrument by the maker or drawer, whether to a holder or nonholder, for the purpose of giving rights on the instrument to any person; or

(2) If agreed by the payee, the first transmission by the drawer to the payee of an image of an item and information derived

from the item that enables the depository bank to collect the item by transferring or presenting under federal law an electronic check.

(b) An unissued instrument, or an unissued incomplete instrument that is completed, is binding on the maker or drawer, but nonissuance is a defense. An instrument that is conditionally issued or is issued for a special purpose is binding on the maker or drawer, but failure of the condition or special purpose to be fulfilled is a defense.

(c) "Issuer" applies to issued and unissued instruments and means a maker or drawer of an instrument.

**Sec. 403.** RCW 62A.3-401 and 1993 c 229 s 41 are each amended to read as follows:

~~((a-))~~ A person is not liable on an instrument unless ~~((+i))~~ (a) the person signed the instrument, or ~~((+ii))~~ (b) the person is represented by an agent or representative who signed the instrument and the signature is binding on the represented person under RCW 62A.3-402.

~~((b) A signature may be made (i) manually or by means of a device or machine, and (ii) by the use of any name, including a trade or assumed name, or by a word, mark, or symbol executed or adopted by a person with present intention to authenticate a writing-))~~

**Sec. 404.** RCW 62A.3-604 and 1993 c 229 s 74 are each amended to read as follows:

(a) A person entitled to enforce an instrument, with or without consideration, may discharge the obligation of a party to pay the instrument (i) by an intentional voluntary act, such as surrender of the instrument to the party, destruction, mutilation, or cancellation of the instrument, cancellation or striking out of the party's signature, or the addition of words to the instrument indicating discharge, or (ii) by agreeing not to sue or otherwise renouncing rights against the party by a signed writing. The obligation of a party to pay a check is not discharged solely by destruction of the check in connection with a process in which information is extracted from the check and an image of the check is made and, subsequently, the information and image are transmitted for payment.

(b) Cancellation or striking out of an indorsement pursuant to subsection (a) does not affect the status and rights of a party derived from the indorsement.

## PART V

**Sec. 501.** RCW 62A.4A-103 and 2013 c 118 s 2 are each amended to read as follows:

(a) In this Article:

(1) "Payment order" means an instruction of a sender to a receiving bank, transmitted orally ~~(, electronically,)~~ or in ~~(writing)~~ a record, to pay, or to cause another bank to pay, a fixed or determinable amount of money to a beneficiary if:

(i) The instruction does not state a condition to payment to the beneficiary other than time of payment;

(ii) The receiving bank is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and

(iii) The instruction is transmitted by the sender directly to the receiving bank or to an agent, funds-transfer system, or communication system for transmittal to the receiving bank.

(2) "Beneficiary" means the person to be paid by the beneficiary's bank.

(3) "Beneficiary's bank" means the bank identified in a payment order in which an account of the beneficiary is to be credited pursuant to the order or which otherwise is to make payment to the beneficiary if the order does not provide for payment to an account.

(4) "Receiving bank" means the bank to which the sender's instruction is addressed.

(5) "Sender" means the person giving the instruction to the receiving bank.

(b) If an instruction complying with subsection (a)(1) of this section is to make more than one payment to a beneficiary, the instruction is a separate payment order with respect to each payment.

(c) A payment order is issued when it is sent to the receiving bank.

**Sec. 502.** RCW 62A.4A-201 and 1991 sp.s. c 21 s 4A-201 are each amended to read as follows:

"Security procedure" means a procedure established by agreement of a customer and a receiving bank for the purpose of (1) verifying that a payment order or communication amending or canceling a payment order is that of the customer, or (2) detecting error in the transmission or the content of the payment order or communication. A security procedure may impose an obligation on the receiving bank or the customer and may require the use of algorithms or other codes, identifying words ~~((e)s)~~, numbers, symbols, sounds, biometrics, encryption, callback procedures, or similar security devices. Comparison of a signature on a payment order or communication with an authorized specimen signature of the customer or requiring a payment order to be sent from a known email address, IP address, or telephone number is not by itself a security procedure.

**Sec. 503.** RCW 62A.4A-202 and 2013 c 118 s 6 are each amended to read as follows:

(a) A payment order received by the receiving bank is the authorized order of the person identified as sender if that person authorized the order or is otherwise bound by it under the law of agency.

(b) If a bank and its customer have agreed that the authenticity of payment orders issued to the bank in the name of the customer as sender will be verified pursuant to a security procedure, a payment order received by the receiving bank is effective as the order of the customer, whether or not authorized, if (i) the security procedure is a commercially reasonable method of providing security against unauthorized

payment orders, and (ii) the bank proves that it accepted the payment order in good faith and in compliance with the bank's obligations under the security procedure and any ((written)) agreement or instruction of the customer, evidenced by a record, restricting acceptance of payment orders issued in the name of the customer. The bank is not required to follow an instruction that violates a ((written))an agreement with the customer, evidenced by a record, or notice of which is not received at a time and in a manner affording the bank a reasonable opportunity to act on it before the payment order is accepted.

(c) Commercial reasonableness of a security procedure is a question of law to be determined by considering the wishes of the customer expressed to the bank, the circumstances of the customer known to the bank, including the size, type, and frequency of payment orders normally issued by the customer to the bank, alternative security procedures offered to the customer, and security procedures in general use by customers and receiving banks similarly situated. A security procedure is deemed to be commercially reasonable if (i) the security procedure was chosen by the customer after the bank offered, and the customer refused, a security procedure that was commercially reasonable for that customer, and (ii) the customer expressly agreed in ((writing))a record to be bound by any payment order, whether or not authorized, issued in its name, and accepted by the bank in compliance with the bank's obligations under the security procedure chosen by the customer.

(d) The term "sender" in this Article includes the customer in whose name a payment order is issued if the order is the authorized order of the customer under subsection (a) of this section, or it is effective as the order of the customer under subsection (b) of this section.

(e) This section applies to amendments and cancellations of payment orders to the same extent it applies to payment orders.

(f) Except as provided in this section and RCW 62A.4A-203(a)(1), rights and obligations arising under this section or RCW 62A.4A-203 may not be varied by agreement.

**Sec. 504.** RCW 62A.4A-203 and 2013 c 118 s 7 are each amended to read as follows:

(a) If an accepted payment order is not, under RCW 62A.4A-202(a), an authorized order of a customer identified as sender, but is effective as an order of the customer pursuant to RCW 62A.4A-202(b), the following rules apply.

(1) By express ((written)) agreement evidenced by a record, the receiving bank may limit the extent to which it is entitled to enforce or retain payment of the payment order.

(2) The receiving bank is not entitled to enforce or retain payment of the payment order if the customer proves that the order was not caused, directly or indirectly, by a person (i) entrusted at any time with duties to act for the customer with respect to payment orders or the security procedure, or

(ii) who obtained access to transmitting facilities of the customer or who obtained, from a source controlled by the customer and without authority of the receiving bank, information facilitating breach of the security procedure, regardless of how the information was obtained or whether the customer was at fault. Information includes any access device, computer software, or the like.

(b) This section applies to amendments of payment orders to the same extent it applies to payment orders.

**Sec. 505.** RCW 62A.4A-207 and 2013 c 118 s 11 are each amended to read as follows:

(a) Subject to subsection (b) of this section, if, in a payment order received by the beneficiary's bank, the name, bank account number, or other identification of the beneficiary refers to a nonexistent or unidentifiable person or account, no person has rights as a beneficiary of the order and acceptance of the order cannot occur.

(b) If a payment order received by the beneficiary's bank identifies the beneficiary both by name and by an identifying or bank account number and the name and number identify different persons, the following rules apply:

(1) Except as otherwise provided in subsection (c) of this section, if the beneficiary's bank does not know that the name and number refer to different persons, it may rely on the number as the proper identification of the beneficiary of the order. The beneficiary's bank need not determine whether the name and number refer to the same person.

(2) If the beneficiary's bank pays the person identified by name or knows that the name and number identify different persons, no person has rights as beneficiary except the person paid by the beneficiary's bank if that person was entitled to receive payment from the originator of the funds transfer. If no person has rights as beneficiary, acceptance of the order cannot occur.

(c) If (i) a payment order described in subsection (b) of this section is accepted, (ii) the originator's payment order described the beneficiary inconsistently by name and number, and (iii) the beneficiary's bank pays the person identified by number as permitted by subsection (b)(1) of this section, the following rules apply:

(1) If the originator is a bank, the originator is obliged to pay its order.

(2) If the originator is not a bank and proves that the person identified by number was not entitled to receive payment from the originator, the originator is not obliged to pay its order unless the originator's bank proves that the originator, before acceptance of the originator's order, had notice that payment of a payment order issued by the originator might be made by the beneficiary's bank on the basis of an identifying or bank account number even if it identifies a person different from the named beneficiary. Proof of notice may be made by any admissible evidence. The originator's bank satisfies the burden of proof if it proves that the originator,

before the payment order was accepted, signed a ((writing)) record stating the information to which the notice relates.

(d) In a case governed by subsection (b)

(1) of this section, if the beneficiary's bank rightfully pays the person identified by number and that person was not entitled to receive payment from the originator, the amount paid may be recovered from that person to the extent allowed by the law governing mistake and restitution as follows:

(1) If the originator is obliged to pay its payment order as stated in subsection (c) of this section, the originator has the right to recover.

(2) If the originator is not a bank and is not obliged to pay its payment order, the originator's bank has the right to recover.

**Sec. 506.** RCW 62A.4A-208 and 2013 c 118 s 12 are each amended to read as follows:

(a) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank only by an identifying number.

(1) The receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank and need not determine whether the number identifies a bank.

(2) The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(b) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank both by name and an identifying number if the name and number identify different persons.

(1) If the sender is a bank, the receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank if the receiving bank, when it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person or whether the number refers to a bank. The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(2) If the sender is not a bank and the receiving bank proves that the sender, before the payment order was accepted, had notice that the receiving bank might rely on the number as the proper identification of the intermediary or beneficiary's bank even if it identifies a person different from the bank identified by name, the rights and obligations of the sender and the receiving bank are governed by subsection (b)(1) of this section, as though the sender were a bank. Proof of notice may be made by any admissible evidence. The receiving bank satisfies the burden of proof if it proves that the sender, before the payment order was accepted, signed a ((writing)) record stating the information to which the notice relates.

(3) Regardless of whether the sender is a bank, the receiving bank may rely on the name as the proper identification of the intermediary or beneficiary's bank if the receiving bank, at the time it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person.

(4) If the receiving bank knows that the name and number identify different persons, reliance on either the name or the number in executing the sender's payment order is a breach of the obligation stated in RCW 62A.4A-302(a)(1).

**Sec. 507.** RCW 62A.4A-210 and 2013 c 118 s 14 are each amended to read as follows:

(a) A payment order is rejected by the receiving bank by a notice of rejection transmitted to the sender orally ((~~electronically~~)) or in ((writing)) a record. A notice of rejection need not use any particular words and is sufficient if it indicates that the receiving bank is rejecting the order or will not execute or pay the order. Rejection is effective when the notice is given if transmission is by a means that is reasonable in the circumstances. If notice of rejection is given by a means that is not reasonable, rejection is effective when the notice is received. If an agreement of the sender and receiving bank establishes the means to be used to reject a payment order, (i) any means complying with the agreement is reasonable and (ii) any means not complying is not reasonable unless no significant delay in receipt of the notice resulted from the use of the noncomplying means.

(b) This subsection applies if a receiving bank other than the beneficiary's bank fails to execute a payment order despite the existence on the execution date of a withdrawable credit balance in an authorized account of the sender sufficient to cover the order. If the sender does not receive notice of rejection of the order on the execution date and the authorized account of the sender does not bear interest, the bank is obliged to pay interest to the sender on the amount of the order for the number of days elapsing after the execution date to the earlier of the day the order is canceled pursuant to RCW 62A.4A-211(d) or the day the sender receives notice or learns that the order was not executed, counting the final day of the period as an elapsed day. If the withdrawable credit balance during that period falls below the amount of the order, the amount of interest is reduced accordingly.

(c) If a receiving bank suspends payments, all unaccepted payment orders issued to it are deemed rejected at the time the bank suspends payments.

(d) Acceptance of a payment order precludes a later rejection of the order. Rejection of a payment order precludes a later acceptance of the order.

**Sec. 508.** RCW 62A.4A-211 and 2013 c 118 s 15 are each amended to read as follows:

(a) A communication of the sender of a payment order canceling or amending the order may be transmitted to the receiving bank orally (~~(, electronically,)~~) or in ~~((writing))~~ a record. If a security procedure is in effect between the sender and the receiving bank, the communication is not effective to cancel or amend the order unless the communication is verified pursuant to the security procedure or the bank agrees to the cancellation or amendment.

(b) Subject to subsection (a) of this section, a communication by the sender canceling or amending a payment order is effective to cancel or amend the order if notice of the communication is received at a time and in a manner affording the receiving bank a reasonable opportunity to act on the communication before the bank accepts the payment order.

(c) After a payment order has been accepted, cancellation or amendment of the order is not effective unless the receiving bank agrees or a funds-transfer system rule allows cancellation or amendment without agreement of the bank.

(1) With respect to a payment order accepted by a receiving bank other than the beneficiary's bank, cancellation or amendment is not effective unless a conforming cancellation or amendment of the payment order issued by the receiving bank is also made.

(2) With respect to a payment order accepted by the beneficiary's bank, cancellation or amendment is not effective unless the order was issued in execution of an unauthorized payment order, or because of a mistake by a sender in the funds transfer which resulted in the issuance of a payment order (i) that is a duplicate of a payment order previously issued by the sender, (ii) that orders payment to a beneficiary not entitled to receive payment from the originator, or (iii) that orders payment in an amount greater than the amount the beneficiary was entitled to receive from the originator. If the payment order is canceled or amended, the beneficiary's bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

(d) An unaccepted payment order is canceled by operation of law at the close of the fifth funds-transfer business day of the receiving bank after the execution date or payment date of the order.

(e) A canceled payment order cannot be accepted. If an accepted payment order is canceled, the acceptance is nullified and no person has any right or obligation based on the acceptance. Amendment of a payment order is deemed to be cancellation of the original order at the time of amendment and issue of a new payment order in the amended form at the same time.

(f) Unless otherwise provided in an agreement of the parties or in a funds-transfer system rule, if the receiving bank, after accepting a payment order, agrees to cancellation or amendment of the order by

the sender or is bound by a funds-transfer system rule allowing cancellation or amendment without the bank's agreement, the sender, whether or not cancellation or amendment is effective, is liable to the bank for any loss and expenses, including reasonable attorneys' fees, incurred by the bank as a result of the cancellation or amendment or attempted cancellation or amendment.

(g) A payment order is not revoked by the death or legal incapacity of the sender unless the receiving bank knows of the death or of an adjudication of incapacity by a court of competent jurisdiction and has reasonable opportunity to act before acceptance of the order.

(h) A funds-transfer system rule is not effective to the extent it conflicts with subsection (c) (2) of this section.

**Sec. 509.** RCW 62A.4A-305 and 2013 c 118 s 21 are each amended to read as follows:

(a) If a funds transfer is completed but execution of a payment order by the receiving bank in breach of RCW 62A.4A-302 results in delay in payment to the beneficiary, the bank is obliged to pay interest to either the originator or the beneficiary of the funds transfer for the period of delay caused by the improper execution. Except as provided in subsection (c) of this section, additional damages are not recoverable.

(b) If execution of a payment order by a receiving bank in breach of RCW 62A.4A-302 results in (i) noncompletion of the funds transfer, (ii) failure to use an intermediary bank designated by the originator, or (iii) issuance of a payment order that does not comply with the terms of the payment order of the originator, the bank is liable to the originator for its expenses in the funds transfer and for incidental expenses and interest losses, to the extent not covered by subsection (a) of this section, resulting from the improper execution. Except as provided in subsection (c) of this section, additional damages are not recoverable.

(c) In addition to the amounts payable under subsections (a) and (b) of this section, damages, including consequential damages, are recoverable to the extent provided in an express (~~(written))~~ agreement of the receiving bank, evidenced by a record.

(d) If a receiving bank fails to execute a payment order it was obliged by express agreement to execute, the receiving bank is liable to the sender for its expenses in the transaction and for incidental expenses and interest losses resulting from the failure to execute. Additional damages, including consequential damages, are recoverable to the extent provided in an express (~~(written))~~ agreement of the receiving bank, evidenced by a record, but are not otherwise recoverable.

(e) Reasonable attorneys' fees are recoverable if demand for compensation under subsection (a) or (b) of this section is made and refused before an action is brought on the claim. If a claim is made for breach

of an agreement under subsection (d) of this section and the agreement does not provide for damages, reasonable attorneys' fees are recoverable if demand for compensation under subsection (d) of this section is made and refused before an action is brought on the claim.

(f) Except as stated in this section, the liability of a receiving bank under subsections (a) and (b) of this section may not be varied by agreement.

## PART VI

**Sec. 601.** RCW 62A.5-104 and 2012 c 214 s 1702 are each amended to read as follows:

A letter of credit, confirmation, advice, transfer, amendment, or cancellation may be issued in any form that is a signed record ~~((and is authenticated (i) by a signature or (ii) in accordance with the agreement of the parties or the standard practice referred to in RCW 62A.5-108(e))).~~

**Sec. 602.** RCW 62A.5-116 and 2012 c 214 s 1712 are each amended to read as follows:

(a) The liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction chosen by an agreement in the form of a record signed ~~((or otherwise authenticated))~~ by the affected parties ~~((in the manner provided in RCW 62A.5-104))~~ or by a provision in the person's letter of credit, confirmation, or other undertaking. The jurisdiction whose law is chosen need not bear any relation to the transaction.

(b) Unless subsection (a) of this section applies, the liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction in which the person is located. The person is considered to be located at the address indicated in the person's undertaking. If more than one address is indicated, the person is considered to be located at the address from which the person's undertaking was issued.

(c) For the purpose of jurisdiction, choice of law, and recognition of interbranch letters of credit, but not enforcement of a judgment, all branches of a bank are considered separate juridical entities and a bank is considered to be located at the place where its relevant branch is considered to be located under this subsection.

~~((e))~~ (d) A branch of a bank is considered to be located at the address indicated in the branch's undertaking. If more than one address is indicated, the branch is considered to be located at the address from which the undertaking was issued.

(e) Except as otherwise provided in this subsection, the liability of an issuer, nominated person, or adviser is governed by any rules of custom or practice, such as the Uniform Customs and Practice for Documentary Credits, to which the letter of credit, confirmation, or other undertaking is expressly made subject. If (i) this Article would govern the liability of an issuer, nominated person, or adviser under

subsection (a) or (b) of this section, (ii) the relevant undertaking incorporates rules of custom or practice, and (iii) there is conflict between this Article and those rules as applied to that undertaking, those rules govern except to the extent of any conflict with the nonvariable provisions specified in RCW 62A.5-103(c).

~~((d))~~ (f) If there is conflict between this Article and Article 3, 4, 4A, or 9A, this Article governs.

~~((e))~~ (g) The forum for settling disputes arising out of an undertaking within this Article may be chosen in the manner and with the binding effect that governing law may be chosen in accordance with subsection (a) of this section.

## PART VII

**Sec. 701.** RCW 62A.7-102 and 2012 c 214 s 202 are each amended to read as follows:

(a) In this Article, unless the context otherwise requires:

(1) "Bailee" means a person that by a warehouse receipt, bill of lading, or other document of title acknowledges possession of goods and contracts to deliver them.

(2) "Carrier" means a person that issues a bill of lading.

(3) "Consignee" means a person named in a bill of lading to which or to whose order the bill promises delivery.

(4) "Consignor" means a person named in a bill of lading as the person from which the goods have been received for shipment.

(5) "Delivery order" means a record that contains an order to deliver goods directed to a warehouse, carrier, or other person that in the ordinary course of business issues warehouse receipts or bills of lading.

(6) [Reserved.]

(7) "Goods" means all things that are treated as movable for the purposes of a contract for storage or transportation.

(8) "Issuer" means a bailee that issues a document of title or, in the case of an unaccepted delivery order, the person that orders the possessor of goods to deliver. The term includes a person for which an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, even if the issuer did not receive any goods, the goods were misdescribed, or in any other respect the agent or employee violated the issuer's instructions.

(9) "Person entitled under the document" means the holder, in the case of a negotiable document of title, or the person to which delivery of the goods is to be made by the terms of, or pursuant to instructions in a record under, a nonnegotiable document of title.

(10) [Reserved.]

(11) ~~((("Sign" means, with present intent to authenticate or adopt a record:~~

~~(A) To execute or adopt a tangible symbol; or~~

~~(B) To attach to or logically associate with the record an electronic sound, symbol, or process.))~~ [Reserved.]



(12) "Shipper" means a person that enters into a contract of transportation with a carrier.

(13) "Warehouse" means a person engaged in the business of storing goods for hire.

(b) Definitions in other articles applying to this Article and the sections in which they appear are:

(1) "Contract for sale", RCW 62A.2-106;

(2) "Lessee in ordinary course of business," RCW 62A.2A-103; and

(3) "Receipt" of goods, RCW 62A.2-103.

(c) In addition, Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 702.** RCW 62A.7-106 and 2012 c 214 s 206 are each amended to read as follows:

(a) A person has control of an electronic document of title if a system employed for evidencing the transfer of interests in the electronic document reliably establishes that person as the person to which the electronic document was issued or transferred.

(b) A system satisfies subsection (a) of this section, and a person (~~is deemed to have~~) has control of an electronic document of title, if the document is created, stored, and (~~assigned~~) transferred in (~~such~~) a manner that:

(1) A single authoritative copy of the document exists which is unique, identifiable, and, except as otherwise provided in (4), (5), and (6) of this subsection, unalterable;

(2) The authoritative copy identifies the person asserting control as:

(A) The person to which the document was issued; or

(B) If the authoritative copy indicates that the document has been transferred, the person to which the document was most recently transferred;

(3) The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(4) Copies or amendments that add or change an identified (~~assignee~~) transferee of the authoritative copy can be made only with the consent of the person asserting control;

(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

(c) A system satisfies subsection (a) of this section, and a person has control of an electronic document of title, if an authoritative electronic copy of the document, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:

(1) Enables the person readily to identify each electronic copy as either an authoritative copy or a nonauthoritative copy;

(2) Enables the person readily to identify itself in any way, including by

name, identifying number, cryptographic key, office, or account number, as the person to which each authoritative electronic copy was issued or transferred; and

(3) Gives the person exclusive power, subject to subsection (d) of this section, to:

(A) Prevent others from adding or changing the person to which each authoritative electronic copy has been issued or transferred; and

(B) Transfer control of each authoritative electronic copy.

(d) Subject to subsection (e) of this section, a power is exclusive under subsection (c) (3) (A) and (B) of this section even if:

(1) The authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy, or a system in which the authoritative electronic copy is recorded limits the use of the document of title or has a protocol that is programmed to cause a change, including a transfer or loss of control; or

(2) The power is shared with another person.

(e) A power of a person is not shared with another person under subsection (d) (2) of this section and the person's power is not exclusive if:

(1) The person can exercise the power only if the power also is exercised by the other person; and

(2) The other person:

(A) Can exercise the power without exercise of the power by the person; or

(B) Is the transferor to the person of an interest in the document of title.

(f) If a person has the powers specified in subsection (c) (3) (A) and (B) of this section, the powers are presumed to be exclusive.

(g) A person has control of an electronic document of title if another person, other than the transferor to the person of an interest in the document:

(1) Has control of the document and acknowledges that it has control on behalf of the person; or

(2) Obtains control of the document after having acknowledged that it will obtain control of the document on behalf of the person.

(h) A person that has control under this section is not required to acknowledge that it has control on behalf of another person.

(i) If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this Article or Article 9 of this title otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

## PART VIII

**Sec. 801.** RCW 62A.8-102 and 2012 c 214 s 1401 are each amended to read as follows:

(1) In this Article:

(a) "Adverse claim" means a claim that a claimant has a property interest in a financial asset and that it is a violation of the rights of the claimant for another

person to hold, transfer, or deal with the financial asset.

(b) "Bearer form," as applied to a certificated security, means a form in which the security is payable to the bearer of the security certificate according to its terms but not by reason of an indorsement.

(c) "Broker" means a person defined as a broker or dealer under the federal securities laws, but without excluding a bank acting in that capacity.

(d) "Certificated security" means a security that is represented by a certificate.

(e) "Clearing corporation" means:

(i) A person that is registered as a "clearing agency" under the federal securities laws;

(ii) A federal reserve bank; or

(iii) Any other person that provides clearance or settlement services with respect to financial assets that would require it to register as a clearing agency under the federal securities laws but for an exclusion or exemption from the registration requirement, if its activities as a clearing corporation, including adoption of rules, are subject to regulation by a federal or state governmental authority.

(f) "Communicate" means to:

(i) Send a signed (~~writing~~) record; or

(ii) Transmit information by any mechanism agreed upon by the persons transmitting and receiving the information.

(g) "Entitlement holder" means a person identified in the records of a securities intermediary as the person having a security entitlement against the securities intermediary. If a person acquires a security entitlement by virtue of RCW 62A.8-501(2) (b) or (c), that person is the entitlement holder.

(h) "Entitlement order" means a notification communicated to a securities intermediary directing transfer or redemption of a financial asset to which the entitlement holder has a security entitlement.

(i) "Financial asset," except as otherwise provided in RCW 62A.8-103, means:

(i) A security;

(ii) An obligation of a person or a share, participation, or other interest in a person or in property or an enterprise of a person, which is, or is of a type, dealt in or traded on financial markets, or which is recognized in any area in which it is issued or dealt in as a medium for investment; or

(iii) Any property that is held by a securities intermediary for another person in a securities account if the securities intermediary has expressly agreed with the other person that the property is to be treated as a financial asset under this Article.

As context requires, the term means either the interest itself or the means by which a person's claim to it is evidenced, including a certificated or uncertificated security, a security certificate, or a security entitlement.

(j) [Reserved.]

(k) "Indorsement" means a signature that alone or accompanied by other words is made on a security certificate in registered form or on a separate document for the purpose of

assigning, transferring, or redeeming the security or granting a power to assign, transfer, or redeem it.

(l) "Instruction" means a notification communicated to the issuer of an uncertificated security which directs that the transfer of the security be registered or that the security be redeemed.

(m) "Registered form," as applied to a certificated security, means a form in which:

(i) The security certificate specifies a person entitled to the security; and

(ii) A transfer of the security may be registered upon books maintained for that purpose by or on behalf of the issuer, or the security certificate so states.

(n) "Securities intermediary" means:

(i) A clearing corporation; or

(ii) A person, including a bank or broker, that in the ordinary course of its business maintains securities accounts for others and is acting in that capacity.

(o) "Security," except as otherwise provided in RCW 62A.8-103, means an obligation of an issuer or a share, participation, or other interest in an issuer or in property or an enterprise of an issuer:

(i) Which is represented by a security certificate in bearer or registered form, or the transfer of which may be registered upon books maintained for that purpose by or on behalf of the issuer;

(ii) Which is one of a class or series or by its terms is divisible into a class or series of shares, participations, interests, or obligations; and

(iii) Which:

(A) Is, or is of a type, dealt in or traded on securities exchanges or securities markets; or

(B) Is a medium for investment and by its terms expressly provides that it is a security governed by this Article.

(p) "Security certificate" means a certificate representing a security.

(q) "Security entitlement" means the rights and property interest of an entitlement holder with respect to a financial asset specified in Part 5 of this Article.

(r) "Uncertificated security" means a security that is not represented by a certificate.

(2) (~~Other~~) The following definitions (applying to) in this Article and (the sections in which they appear are) other articles apply to this Article:

Appropriate person RCW 62A.8-107

Control RCW 62A.8-106

Controllable account RCW 62A.9A-102

Controllable electronic record Section 1002 of this act

Controllable payment intangible RCW 62A.9A-102

Delivery RCW 62A.8-301

Investment company security RCW 62A.8-103

Issuer	RCW 62A.8-201
Overissue	RCW 62A.8-210
Protected purchaser	RCW 62A.8-303
Securities account	RCW 62A.8-501

(3) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

(4) The characterization of a person, business, or transaction for purposes of this Article does not determine the characterization of the person, business, or transaction for purposes of any other law, regulation, or rule.

**Sec. 802.** RCW 62A.8-103 and 2012 c 214 s 1403 are each amended to read as follows:

(1) A share or similar equity interest issued by a corporation, business trust, joint stock company, or similar entity is a security.

(2) An "investment company security" is a security. "Investment company security" means a share or similar equity interest issued by an entity that is registered as an investment company under the federal investment company laws, an interest in a unit investment trust that is so registered, or a face-amount certificate issued by a face-amount certificate company that is so registered. Investment company security does not include an insurance policy or endowment policy or annuity contract issued by an insurance company.

(3) An interest in a partnership or limited liability company is not a security unless it is dealt in or traded on securities exchanges or in securities markets, its terms expressly provide that it is a security governed by this Article, or it is an investment company security. However, an interest in a partnership or limited liability company is a financial asset if it is held in a securities account.

(4) A writing that is a security certificate is governed by this Article and not by Article 3, even though it also meets the requirements of that Article. However, a negotiable instrument governed by Article 3 is a financial asset if it is held in a securities account.

(5) An option or similar obligation issued by a clearing corporation to its participants is not a security, but is a financial asset.

(6) A commodity contract, as defined in RCW 62A.9A-102, is not a security or a financial asset.

(7) A document of title is not a financial asset unless RCW 62A.8-102(1)(i)(iii) applies.

(8) A controllable account, controllable electronic record, or controllable payment intangible is not a financial asset unless RCW 62A.8-102(1)(i)(iii) applies.

**Sec. 803.** RCW 62A.8-106 and 2000 c 250 s 9A-816 are each amended to read as follows:

(1) A purchaser has "control" of a certificated security in bearer form if the

certificated security is delivered to the purchaser.

(2) A purchaser has "control" of a certificated security in registered form if the certificated security is delivered to the purchaser, and:

(a) The certificate is indorsed to the purchaser or in blank by an effective indorsement; or

(b) The certificate is registered in the name of the purchaser, upon original issue or registration of transfer by the issuer.

(3) A purchaser has "control" of an uncertificated security if:

(a) The uncertificated security is delivered to the purchaser; or

(b) The issuer has agreed that it will comply with instructions originated by the purchaser without further consent by the registered owner.

(4) A purchaser has "control" of a security entitlement if:

(a) The purchaser becomes the entitlement holder;

(b) The securities intermediary has agreed that it will comply with entitlement orders originated by the purchaser without further consent by the entitlement holder; or

(c) Another person ((has control of the security entitlement on behalf of the purchaser or, having previously acquired control of the security entitlement, acknowledges that it has control on behalf of the purchaser)), other than the transferor to the purchaser of an interest in the security entitlement:

(i) Has control of the security entitlement and acknowledges that it has control on behalf of the purchaser; or

(ii) Obtains control of the security entitlement after having acknowledged that it will obtain control of the security entitlement on behalf of the purchaser.

(5) If an interest in a security entitlement is granted by the entitlement holder to the entitlement holder's own securities intermediary, the securities intermediary has control.

(6) A purchaser who has satisfied the requirements of subsection (3) or (4) of this section has control even if the registered owner in the case of subsection (3) of this section or the entitlement holder in the case of subsection (4) of this section retains the right to make substitutions for the uncertificated security or security entitlement, to originate instructions or entitlement orders to the issuer or securities intermediary, or otherwise to deal with the uncertificated security or security entitlement.

(7) An issuer or a securities intermediary may not enter into an agreement of the kind described in subsection (3)(b) or (4)(b) of this section without the consent of the registered owner or entitlement holder, but an issuer or a securities intermediary is not required to enter into such an agreement even though the registered owner or entitlement holder so directs. An issuer or securities intermediary that has entered into such an agreement is not required to confirm the existence of the agreement to another party

unless requested to do so by the registered owner or entitlement holder.

(8) A person that has control under this section is not required to acknowledge that it has control on behalf of a purchaser.

(9) If a person acknowledges that it has or will obtain control on behalf of a purchaser, unless the person otherwise agrees or law other than this Article or Article 9A of this title otherwise provides, the person does not owe any duty to the purchaser and is not required to confirm the acknowledgment to any other person.

**Sec. 804.** RCW 62A.8-110 and 2001 c 32 s 14 are each amended to read as follows:

(1) The local law of the issuer's jurisdiction, as specified in subsection (4) of this section, governs:

(a) The validity of a security;

(b) The rights and duties of the issuer with respect to registration of transfer;

(c) The effectiveness of registration of transfer by the issuer;

(d) Whether the issuer owes any duties to an adverse claimant to a security; and

(e) Whether an adverse claim can be asserted against a person to whom transfer of a certificated or uncertificated security is registered or a person who obtains control of an uncertificated security.

(2) The local law of the securities intermediary's jurisdiction, as specified in subsection (5) of this section, governs:

(a) Acquisition of a security entitlement from the securities intermediary;

(b) The rights and duties of the securities intermediary and entitlement holder arising out of a security entitlement;

(c) Whether the securities intermediary owes any duties to an adverse claimant to a security entitlement; and

(d) Whether an adverse claim can be asserted against a person who acquires a security entitlement from the securities intermediary or a person who purchases a security entitlement or interest therein from an entitlement holder.

(3) The local law of the jurisdiction in which a security certificate is located at the time of delivery governs whether an adverse claim can be asserted against a person to whom the security certificate is delivered.

(4) "Issuer's jurisdiction" means the jurisdiction under which the issuer of the security is organized or, if permitted by the law of that jurisdiction, the law of another jurisdiction specified by the issuer. An issuer organized under the law of this state may specify the law of another jurisdiction as the law governing the matters specified in subsection (1)(b) through (e) of this section.

(5) The following rules determine a "securities intermediary's jurisdiction" for purposes of this section:

(a) If an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that a particular jurisdiction is the securities intermediary's jurisdiction for purposes of this part, this Article, or Article 62A.9A

RCW, that jurisdiction is the securities intermediary's jurisdiction.

(b) If (a) of this subsection does not apply and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(c) If neither (a) nor (b) of this subsection applies, and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the securities account is maintained at an office in a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(d) If (a), (b), and (c) of this subsection do not apply, the securities intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the entitlement holder's account is located.

(e) If (a), (b), (c), and (d) of this subsection do not apply, the securities intermediary's jurisdiction is the jurisdiction in which the chief executive office of the securities intermediary is located.

(6) A securities intermediary's jurisdiction is not determined by the physical location of certificates representing financial assets, or by the jurisdiction in which is organized the issuer of the financial asset with respect to which an entitlement holder has a security entitlement, or by the location of facilities for data processing or other recordkeeping concerning the account.

(7) The local law of the issuer's jurisdiction or the securities intermediary's jurisdiction governs a matter or transaction specified in subsection (1) or (2) of this section even if the matter or transaction does not bear any relation to the jurisdiction.

**Sec. 805.** RCW 62A.8-303 and 1995 c 48 s 29 are each amended to read as follows:

(1) "Protected purchaser" means a purchaser of a certificated or uncertificated security, or of an interest therein, who:

(a) Gives value;

(b) Does not have notice of any adverse claim to the security; and

(c) Obtains control of the certificated or uncertificated security.

(2) ~~((In addition to acquiring the rights of a purchaser, a))~~ A protected purchaser also acquires its interest in the security free of any adverse claim.

## PART IX

**Sec. 901.** RCW 62A.9A-102 and 2012 c 214 s 1502 are each amended to read as follows:

(a) **Article 9A definitions.** In this Article:

(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(2)(A) "Account," except as used in "account for," "account statement," "account to," "commodity account" in (14) of this subsection, "customer's account," "deposit account" in (29) of this subsection, "on account of," and "statement of account," means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes controllable accounts and health-care-insurance receivables.

(B) The term does not include (i) ~~((rights to payment evidenced by chattel paper or an instrument))~~ chattel paper, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, ~~((or))~~ (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card, or (vii) rights to payment evidenced by an instrument.

(3) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the negotiable instrument ~~((constitutes part of))~~ evidences chattel paper.

(4) "Accounting," except as used in "accounting for," means a record:

(A) ~~((Authenticated))~~ Signed by a secured party;

(B) Indicating the aggregate unpaid secured obligations as of a date not more than ~~((thirty-five))~~ 35 days earlier or ~~((thirty-five))~~ 35 days later than the date of the record; and

(C) Identifying the components of the obligations in reasonable detail.

(5) "Agricultural lien" means an interest, other than a security interest, in farm products:

(A) Which secures payment or performance of an obligation for:

(i) Goods or services furnished in connection with a debtor's farming operation; or

(ii) Rent on real property leased by a debtor in connection with its farming operation;

(B) Which is created by statute in favor of a person that:

(i) In the ordinary course of its business, furnished goods or services to a debtor in connection with a debtor's farming operation; or

(ii) Leased real property to a debtor in connection with the debtor's farming operation; and

(C) Whose effectiveness does not depend on the person's possession of the personal property.

(6) "As-extracted collateral" means:

(A) Oil, gas, or other minerals that are subject to a security interest that:

(i) Is created by a debtor having an interest in the minerals before extraction; and

(ii) Attaches to the minerals as extracted; or

(B) Accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

(7) ~~((("Authenticate" means:~~

~~((A) To sign; or~~

~~((B) With present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process.))~~ [Reserved.]

(7A) "Assignee," except as used in "assignee for benefit of creditors," means a person (i) in whose favor a security interest that secures an obligation is created or provided for under a security agreement, whether or not the obligation is outstanding or (ii) to which an account, chattel paper, payment intangible, or promissory note has been sold. The term includes a person to which a security interest has been transferred by a secured party.

(7B) "Assignor" means a person that (i) under a security agreement creates or provides for a security interest that secures an obligation or (ii) sells an account, chattel paper, payment intangible, or promissory note. The term includes a secured party that has transferred a security interest to another person.

(8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies.

(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

(11) "Chattel paper" means ~~((a record or records that evidence both a monetary obligation and a security interest in~~

~~specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, or a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this subsection, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term "chattel paper" does not include (i) charters or other contracts involving the use or hire of a vessel or (ii) records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper);~~

(A) A right to payment of a monetary obligation secured by specific goods, if the right to payment and security agreement are evidenced by a record; or

(B) A right to payment of a monetary obligation owed by a lessee under a lease agreement with respect to specific goods and a monetary obligation owed by the lessee in connection with the transaction giving rise to the lease, if:

(i) The right to payment and lease agreement are evidenced by a record; and

(ii) The predominant purpose of the transaction giving rise to the lease was to give the lessee the right to possession and use of the goods.

The term does not include a right to payment arising out of a charter or other contract involving the use or hire of a vessel or a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

(12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(A) Proceeds to which a security interest attaches;

(B) Accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and

(C) Goods that are the subject of a consignment.

(13) "Commercial tort claim" means a claim arising in tort with respect to which:

(A) The claimant is an organization; or

(B) The claimant is an individual, and the claim:

(i) Arose in the course of the claimant's business or profession; and

(ii) Does not include damages arising out of personal injury to, or the death of, an individual.

(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

(A) Traded on or subject to the rules of a board of trade that has been designated as

a contract market for such a contract pursuant to federal commodities laws; or

(B) Traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

(16) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

(17) "Commodity intermediary" means a person that:

(A) Is registered as a futures commission merchant under federal commodities law; or

(B) In the ordinary course of its business, provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(18) "Communicate" means:

(A) To send a written or other tangible record;

(B) To transmit a record by any means agreed upon by the persons sending and receiving the record; or

(C) In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(19) "Consignee" means a merchant to which goods are delivered in a consignment.

(20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(A) The merchant:

(i) Deals in goods of that kind under a name other than the name of the person making delivery;

(ii) Is not an auctioneer; and

(iii) Is not generally known by its creditors to be substantially engaged in selling the goods of others;

(B) With respect to each delivery, the aggregate value of the goods is one thousand dollars or more at the time of delivery;

(C) The goods are not consumer goods immediately before delivery; and

(D) The transaction does not create a security interest that secures an obligation.

(21) "Consignor" means a person that delivers goods to a consignee in a consignment.

(22) "Consumer debtor" means a debtor in a consumer transaction.

(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.

(24) "Consumer-goods transaction" means a consumer transaction in which:

(A) An individual incurs a consumer obligation; and

(B) A security interest in consumer goods secures the obligation.

(25) "Consumer obligation" means an obligation which:

(A) Is incurred as part of a transaction entered into primarily for personal, family, or household purposes; and

(B) Arises from an extension of credit, or commitment to extend credit, in an aggregate amount not exceeding forty thousand dollars, or is secured by personal property used or expected to be used as a principal dwelling.

"Consumer obligor" means an obligor who is an individual and who incurred a consumer obligation.

(26) "Consumer transaction" means a transaction in which (i) an individual incurs a consumer obligation, (ii) a security interest secures the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

(27) "Continuation statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(27A) "Controllable account" means an account evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under section 1005 of this act of the controllable electronic record.

(27B) "Controllable payment intangible" means a payment intangible evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under section 1005 of this act of the controllable electronic record.

(28) "Debtor" means:

(A) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(B) A seller of accounts, chattel paper, payment intangibles, or promissory notes; or

(C) A assignee.

(29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(30) "Document" means a document of title or a receipt of the type described in RCW 62A.7-201(b).

~~(31) ("Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.) [Reserved.]~~

(31A) "Electronic money" means money in an electronic form.

(32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(33) "Equipment" means goods other than inventory, farm products, or consumer goods.

(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

(A) Crops grown, growing, or to be grown, including:

(i) Crops produced on trees, vines, and bushes; and

(ii) Aquatic goods produced in aquacultural operations;

(B) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(C) Supplies used or produced in a farming operation; or

(D) Products of crops or livestock in their unmanufactured states.

(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

(36) "File number" means the number assigned to an initial financing statement pursuant to RCW 62A.9A-519(a).

(37) "Filing office" means an office designated in RCW 62A.9A-501 as the place to file a financing statement.

(38) "Filing-office rule" means a rule adopted pursuant to RCW 62A.9A-526.

(39) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

(40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying RCW 62A.9A-502 (a) and (b). The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

(41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.

(42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes controllable electronic records, payment intangibles, and software.

(43) [Reserved.]

(44) "Goods" means all things that are movable when a security interest attaches. The term includes (i) fixtures, (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, (iii) the unborn young of animals, (iv) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and (v) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction or a manufactured home converted to real property under chapter 65.20 RCW.

(45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate

existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(46) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided.

(47) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include (i) investment property, (ii) letters of credit, (iii) writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card, (iv) writings that do not contain a promise or order to pay, ~~((or))~~ (v) writings that are expressly nontransferable or nonassignable, or (vi) writings that evidence chattel paper.

(48) "Inventory" means goods, other than farm products, which:

(A) Are leased by a person as lessor;

(B) Are held by a person for sale or lease or to be furnished under a contract of service;

(C) Are furnished by a person under a contract of service; or

(D) Consist of raw materials, work in process, or materials used or consumed in a business.

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(50) "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(52) "Lien creditor" means:

(A) A creditor that has acquired a lien on the property involved by attachment, levy, or the like;

(B) An assignee for benefit of creditors from the time of assignment;

(C) A trustee in bankruptcy from the date of the filing of the petition; or

(D) A receiver in equity from the time of appointment.

(53) "Manufactured home" means a manufactured home or mobile home as defined in RCW 46.04.302.

(54) [Reserved.]

(54A) "Money" has the meaning in RCW 62A.1-201(b)(24), but does not include (i) a deposit account or (ii) money in an electronic form that cannot be subjected to control under section 904 of this act.

(55) "Mortgage" means a consensual interest in real property, including

fixtures, which secures payment or performance of an obligation.

(56) "New debtor" means a person that becomes bound as debtor under RCW 62A.9A-203(d) by a security agreement previously entered into by another person.

(57) "New value" means (i) money, (ii) money's worth in property, services, or new credit, or (iii) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(58) "Noncash proceeds" means proceeds other than cash proceeds.

(59) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the obligation, (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or (iii) is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

(60) "Original debtor", except as used in RCW 62A.9A-310(c), means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under RCW 62A.9A-203(d).

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation. The term includes a controllable payment intangible.

(62) "Person related to," with respect to an individual, means:

(A) The spouse or state registered domestic partner of the individual;

(B) A brother, brother-in-law, sister, or sister-in-law of the individual;

(C) An ancestor or lineal descendant of the individual or the individual's spouse or state registered domestic partner; or

(D) Any other relative, by blood or by marriage or other law, of the individual or the individual's spouse or state registered domestic partner who shares the same home with the individual.

(63) "Person related to," with respect to an organization, means:

(A) A person directly or indirectly controlling, controlled by, or under common control with the organization;

(B) An officer or director of, or a person performing similar functions with respect to, the organization;

(C) An officer or director of, or a person performing similar functions with respect to, a person described in (63)(A) of this subsection;

(D) The spouse or state registered domestic partner of an individual described in (63)(A), (B), or (C) of this subsection; or

(E) An individual who is related by blood or by marriage or other law to an individual described in (63)(A), (B), (C), or (D) of this subsection and shares the same home with the individual.

(64) "Proceeds", except as used in RCW 62A.9A-609(b), means the following property:



(A) Whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;

(B) Whatever is collected on, or distributed on account of, collateral;

(C) Rights arising out of collateral;

(D) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or

(E) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(66) "Proposal" means a record ((authenticated)) signed by a secured party, which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to RCW 62A.9A-620, 62A.9A-621, and 62A.9A-622.

(67) "Public-finance transaction" means a secured transaction in connection with which:

(A) Debt securities are issued;

(B) All or a portion of the securities issued have an initial stated maturity of at least twenty years; and

(C) The debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a state or a governmental unit of a state.

(68) "Public organic record" means a record that is available to the public for inspection and is:

(A) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(B) An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(C) A record consisting of legislation enacted by the legislature of a state or the congress of the United States which forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or the United States which amends or restates the name of the organization.

(69) "Pursuant to commitment," with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

(70) "Record," except as used in "for record," "of record," "record or legal title," and "record owner," means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

(71) "Registered organization" means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.

(72) "Secondary obligor" means an obligor to the extent that:

(A) The obligor's obligation is secondary; or

(B) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.

(73) "Secured party" means:

(A) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(B) A person that holds an agricultural lien;

(C) A consignor;

(D) A person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

(E) A trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(F) A person that holds a security interest arising under RCW 62A.2-401, 62A.2-505, 62A.2-711(3), 62A.2A-508(5), 62A.4-210, or 62A.5-118.

(74) "Security agreement" means an agreement that creates or provides for a security interest.

~~(75) ("Send," in connection with a record or notification, means:~~

~~(A) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or~~

~~(B) To cause the record or notification to be received within the time that it would have been received if properly sent under~~  
~~(75)(A) of this subsection.)~~ Reserved.

(76) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods.

(77) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(78) "Supporting obligation" means a letter-of-credit right or secondary

obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property.

(79) (~~"Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.~~) [Reserved.]

(79A) "Tangible money" means money in a tangible form.

(80) "Termination statement" means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) Indicates either that it is a termination statement or that the identified financing statement is no longer effective.

(81) "Transmitting utility" means a person primarily engaged in the business of:

(A) Operating a railroad, subway, street railway, or trolley bus;

(B) Transmitting communications electrically, electromagnetically, or by light;

(C) Transmitting goods by pipeline or sewer; or

(D) Transmitting or producing and transmitting electricity, steam, gas, or water.

(b) **Definitions in other articles.**

"Control" as provided in RCW 62A.7-106 and the following definitions in other articles apply to this Article:

"Applicant."	RCW 62A.5-102.
"Beneficiary."	RCW 62A.5-102.
"Broker."	RCW 62A.8-102.
"Certificated security."	RCW 62A.8-102.
"Check."	RCW 62A.3-104.
"Clearing corporation."	RCW 62A.8-102.
"Contract for sale."	RCW 62A.2-106.
"Controllable electronic record."	<u>Section 1002 of this act.</u>
"Customer."	RCW 62A.4-104.
"Entitlement holder."	RCW 62A.8-102.
"Financial asset."	RCW 62A.8-102.
"Holder in due course."	RCW 62A.3-302.
"Issuer" with respect to documents of title.	RCW 62A.7-102.
"Issuer" with respect to a letter of credit or letter-of-credit right.	RCW 62A.5-102.
"Issuer" with respect to a security.	RCW 62A.8-201.
"Lease."	RCW 62A.2A-103.
"Lease agreement."	RCW 62A.2A-103.

"Lease contract."	RCW 62A.2A-103.
"Leasehold interest."	RCW 62A.2A-103.
"Lessee."	RCW 62A.2A-103.
"Lessee in ordinary course of business."	RCW 62A.2A-103.
"Lessor."	RCW 62A.2A-103.
"Lessor's residual interest."	RCW 62A.2A-103.
"Letter of credit."	RCW 62A.5-102.
"Merchant."	RCW 62A.2-104.
"Negotiable instrument."	RCW 62A.3-104.
"Nominated person."	RCW 62A.5-102.
"Note."	RCW 62A.3-104.
"Proceeds of a letter of credit."	RCW 62A.5-114.
"Protected purchaser."	<u>RCW 62A.8-303.</u>
"Prove."	RCW 62A.3-103.
"Qualifying purchaser."	<u>Section 1002 of this act.</u>
"Sale."	RCW 62A.2-106.
"Securities account."	RCW 62A.8-501.
"Securities intermediary."	RCW 62A.8-102.
"Security."	RCW 62A.8-102.
"Security certificate."	RCW 62A.8-102.
"Security entitlement."	RCW 62A.8-102.
"Uncertificated security."	RCW 62A.8-102.

(c) **Article 1 definitions and principles.**

Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

**Sec. 902.** RCW 62A.9A-104 and 2001 c 32 s 17 are each amended to read as follows:

(a) **Requirements for control.** A secured party has control of a deposit account if:

(1) The secured party is the bank with which the deposit account is maintained;

(2) The debtor, secured party, and bank have agreed in ((an authenticated)) a signed record that the bank will comply with instructions originated by the secured party directing disposition of the funds in the deposit account without further consent by the debtor; ((or))

(3) The secured party becomes the bank's customer with respect to the deposit account; or

(4) Another person, other than the debtor:

(A) Has control of the deposit account and acknowledges that it has control on behalf of the secured party; or

(B) Obtains control of the deposit account after having acknowledged that it will obtain control of the deposit account on behalf of the secured party.

(b) Debtor's right to direct disposition. A secured party that has satisfied subsection (a) of this section has control, even if the debtor retains the right to direct the disposition of funds from the deposit account.

**Sec. 903.** RCW 62A.9A-105 and 2011 c 74 s 102 are each amended to read as follows:

(a) General rule: Control of electronic copy of record evidencing chattel paper. ~~((A secured party has control of electronic chattel paper if a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.~~

~~(b) Specific facts giving control.~~ A system satisfies subsection (a) of this section if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:

~~(1) A single authoritative copy of the record or records exists which is unique, identifiable and, except as otherwise provided in (4), (5), and (6) of this subsection, unalterable;~~

~~(2) The authoritative copy identifies the secured party as the assignee of the record or records;~~

~~(3) The authoritative copy is communicated to and maintained by the secured party or its designated custodian;~~

~~(4) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the secured party;~~

~~(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and~~

~~(6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.)~~ A purchaser has control of an authoritative electronic copy of a record evidencing chattel paper if a system employed for evidencing the assignment of interests in the chattel paper reliably establishes the purchaser as the person to which the authoritative electronic copy was assigned.

(b) Single authoritative copy. A system satisfies subsection (a) of this section if the record or records evidencing the chattel paper are created, stored, and assigned in a manner that:

(1) A single authoritative copy of the record or records exists which is unique, identifiable, and, except as otherwise provided in (4), (5), and (6) of this subsection, unalterable;

(2) The authoritative copy identifies the purchaser as the assignee of the record or records;

(3) The authoritative copy is communicated to and maintained by the purchaser or its designated custodian;

(4) Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the purchaser;

(5) Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

(c) One or more authoritative copies. A system satisfies subsection (a) of this section, and a purchaser has control of an authoritative electronic copy of a record evidencing chattel paper, if the electronic copy, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:

(1) Enables the purchaser readily to identify each electronic copy as either an authoritative copy or a nonauthoritative copy;

(2) Enables the purchaser readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as the assignee of the authoritative electronic copy; and

(3) Gives the purchaser exclusive power, subject to subsection (d) of this section, to:

(A) Prevent others from adding or changing an identified assignee of the authoritative electronic copy; and

(B) Transfer control of the authoritative electronic copy.

(d) Meaning of exclusive. Subject to subsection (e) of this section, a power is exclusive under subsection (c)(3)(A) and (B) of this section even if:

(1) The authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy, or a system in which the authoritative electronic copy is recorded limits the use of the authoritative electronic copy or has a protocol programmed to cause a change, including a transfer or loss of control; or

(2) The power is shared with another person.

(e) When power not shared with another person. A power of a purchaser is not shared with another person under subsection (d)(2) of this section and the purchaser's power is not exclusive if:

(1) The purchaser can exercise the power only if the power also is exercised by the other person; and

(2) The other person:

(A) Can exercise the power without exercise of the power by the purchaser; or

(B) Is the transferor to the purchaser of an interest in the chattel paper.

(f) Presumption of exclusivity of certain powers. If a purchaser has the powers specified in subsection (c)(3)(A) and (B) of this section, the powers are presumed to be exclusive.

(g) Obtaining control through another person. A purchaser has control of an authoritative electronic copy of a record evidencing chattel paper if another person, other than the transferor to the purchaser of an interest in the chattel paper:

(1) Has control of the authoritative electronic copy and acknowledges that it has control on behalf of the purchaser; or

(2) Obtains control of the authoritative electronic copy after having acknowledged

that it will obtain control of the electronic copy on behalf of the purchaser.

**NEW SECTION. Sec. 904.** A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-105A: CONTROL OF ELECTRONIC MONEY. (a) **General rule: Control of electronic money.** A person has control of electronic money if:

(1) The electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded gives the person:

(A) Power to avail itself of substantially all the benefit from the electronic money; and

(B) Exclusive power, subject to subsection (b) of this section, to:

(i) Prevent others from availing themselves of substantially all the benefit from the electronic money; and

(ii) Transfer control of the electronic money to another person or cause another person to obtain control of other electronic money as a result of the transfer of the electronic money; and

(2) The electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers under (1) of this subsection.

(b) **Meaning of exclusive.** Subject to subsection (c) of this section, a power is exclusive under subsection (a)(1)(B)(i) and (ii) of this section even if:

(1) The electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded limits the use of the electronic money or has a protocol programmed to cause a change, including a transfer or loss of control; or

(2) The power is shared with another person.

(c) **When power not shared with another person.** A power of a person is not shared with another person under subsection (b)(2) of this section and the person's power is not exclusive if:

(1) The person can exercise the power only if the power also is exercised by the other person; and

(2) The other person:

(A) Can exercise the power without exercise of the power by the person; or

(B) Is the transferor to the person of an interest in the electronic money.

(d) **Presumption of exclusivity of certain powers.** If a person has the powers specified in subsection (a)(1)(B)(i) and (ii) of this section, the powers are presumed to be exclusive.

(e) **Control through another person.** A person has control of electronic money if another person, other than the transferor to the person of an interest in the electronic money:

(1) Has control of the electronic money and acknowledges that it has control on behalf of the person; or

(2) Obtains control of the electronic money after having acknowledged that it will obtain control of the electronic money on behalf of the person.

**NEW SECTION. Sec. 905.** A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-107A: CONTROL OF CONTROLLABLE ELECTRONIC RECORD, CONTROLLABLE ACCOUNT, OR CONTROLLABLE PAYMENT INTANGIBLE. (a) **Control under section 1005 of this act.** A secured party has control of a controllable electronic record as provided in section 1005 of this act.

(b) **Control of controllable account and controllable payment intangible.** A secured party has control of a controllable account or controllable payment intangible if the secured party has control of the controllable electronic record that evidences the controllable account or controllable payment intangible.

**NEW SECTION. Sec. 906.** A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-107B: NO REQUIREMENT TO ACKNOWLEDGE OR CONFIRM; NO DUTIES. (a) **No requirement to acknowledge.** A person that has control under RCW 62A.9A-104 or 62A.9A-105 or section 904 of this act is not required to acknowledge that it has control on behalf of another person.

(b) **No duties or confirmation.** If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this article otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

**Sec. 907.** RCW 62A.9A-203 and 2012 c 214 s 1503 are each amended to read as follows:

(a) **Attachment.** A security interest attaches to collateral when it becomes enforceable against the debtor with respect to the collateral, unless an agreement expressly postpones the time of attachment.

(b) **Enforceability.** Except as otherwise provided in subsections (c) through (i) of this section, a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

(1) Value has been given;

(2) The debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and

(3) One of the following conditions is met:

(A) The debtor has ((authenticated))signed a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;

(B) The collateral is not a certificated security and is in the possession of the

secured party under RCW 62A.9A-313 pursuant to the debtor's security agreement;

(C) The collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under RCW 62A.8-301 pursuant to the debtor's security agreement; ~~((or))~~

(D) The collateral is controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, ~~((electronic chattel paper,))~~ electronic documents, electronic money, investment property, or letter-of-credit rights, ~~((or electronic documents,))~~ and the secured party has control under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107 or section 904 or 905 of this act pursuant to the debtor's security agreement; or

(E) The collateral is chattel paper and the secured party has possession and control under section 922 of this act pursuant to the debtor's security agreement.

(c) **Other UCC provisions.** Subsection (b) of this section is subject to RCW 62A.4-210 on the security interest of a collecting bank, RCW 62A.5-118 on the security interest of a letter-of-credit issuer or nominated person, RCW 62A.9A-110 on a security interest arising under Article 2 or 2A, and RCW 62A.9A-206 on security interests in investment property.

(d) **When person becomes bound by another person's security agreement.** A person becomes bound as debtor by a security agreement entered into by another person if, by operation of law other than this Article or by contract:

(1) The security agreement becomes effective to create a security interest in the person's property; or

(2) The person becomes generally obligated for the obligations of the other person, including the obligation secured under the security agreement, and acquires or succeeds to all or substantially all of the assets of the other person.

(e) **Effect of new debtor becoming bound.** If a new debtor becomes bound as debtor by a security agreement entered into by another person:

(1) The agreement satisfies subsection (b)(3) of this section with respect to existing or after-acquired property of the new debtor to the extent the property is described in the agreement; and

(2) Another agreement is not necessary to make a security interest in the property enforceable.

(f) **Proceeds and supporting obligations.** The attachment of a security interest in collateral gives the secured party the rights to proceeds provided by RCW 62A.9A-315 and is also attachment of a security interest in a supporting obligation for the collateral.

(g) **Lien securing right to payment.** The attachment of a security interest in a right to payment or performance secured by a security interest or other lien on personal or real property is also attachment of a security interest in the security interest, mortgage, or other lien.

(h) **Security entitlement carried in securities account.** The attachment of a security interest in a securities account is

also attachment of a security interest in the security entitlements carried in the securities account.

(i) **Commodity contracts carried in commodity account.** The attachment of a security interest in a commodity account is also attachment of a security interest in the commodity contracts carried in the commodity account.

**Sec. 908.** RCW 62A.9A-204 and 2000 c 250 s 9A-204 are each amended to read as follows:

(a) **After-acquired collateral.** Except as otherwise provided in subsection (b) of this section, a security agreement may create or provide for a security interest in after-acquired collateral.

(b) **When after-acquired property clause not effective.** ~~((A))~~ Subject to subsection (b.1) of this section, a security interest does not attach, under a term constituting an after-acquired property clause, to:

(1) Consumer goods, other than an accession when given as additional security, unless the debtor acquires rights in them within ten days after the secured party gives value; or

(2) A commercial tort claim.

(b.1) **Limitation on subsection (b).** Subsection (b) of this section does not prevent a security interest from attaching:

(1) To consumer goods as proceeds under RCW 62A.9A-315(a) or commingled goods under RCW 62A.9A-336(c);

(2) To a commercial tort claim as proceeds under RCW 62A.9A-315(a); or

(3) Under an after-acquired property clause to property that is proceeds of consumer goods or a commercial tort claim.

(c) **Future advances and other value.** A security agreement may provide that collateral secures, or that accounts, chattel paper, payment intangibles, or promissory notes are sold in connection with, future advances or other value, whether or not the advances or value are given pursuant to commitment.

**Sec. 909.** RCW 62A.9A-207 and 2012 c 214 s 1504 are each amended to read as follows:

(a) **Duty of care when secured party in possession.** Except as otherwise provided in subsection (d) of this section, a secured party shall use reasonable care in the custody and preservation of collateral in the secured party's possession. In the case of chattel paper or an instrument, reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(b) **Expenses, risks, duties, and rights when secured party in possession.** Except as otherwise provided in subsection (d) of this section, if a secured party has possession of collateral:

(1) Reasonable expenses, including the cost of insurance and payment of taxes or other charges, incurred in the custody, preservation, use, or operation of the collateral are chargeable to the debtor and are secured by the collateral;

(2) The risk of accidental loss or damage is on the debtor to the extent of a

deficiency in any effective insurance coverage;

(3) The secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and

(4) The secured party may use or operate the collateral:

(A) For the purpose of preserving the collateral or its value;

(B) As permitted by an order of a court having competent jurisdiction; or

(C) Except in the case of consumer goods, in the manner and to the extent agreed by the debtor.

(c) **Duties and rights when secured party in possession or control.** Except as otherwise provided in subsection (d) of this section, a secured party having possession of collateral or control of collateral under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107 or section 904 or 905 of this act:

(1) May hold as additional security any proceeds, except money or funds, received from the collateral;

(2) Shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and

(3) May create a security interest in the collateral.

(d) **Buyer of certain rights to payment.** If the secured party is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor:

(1) Subsection (a) of this section does not apply unless the secured party is entitled under an agreement:

(A) To charge back uncollected collateral; or

(B) Otherwise to full or limited recourse against the debtor or a secondary obligor based on the nonpayment or other default of an account debtor or other obligor on the collateral; and

(2) Subsections (b) and (c) of this section do not apply.

**Sec. 910.** RCW 62A.9A-208 and 2012 c 214 s 1505 are each amended to read as follows:

(a) **Applicability of section.** This section applies to cases in which there is no outstanding secured obligation and the secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) **Duties of secured party after receiving demand from debtor.** Within ~~((ten))~~ 10 days after receiving ~~((an authenticated))~~ a signed demand by the debtor:

(1) A secured party having control of a deposit account under RCW 62A.9A-104(a)(2) shall send to the bank with which the deposit account is maintained ~~((an authenticated statement))~~ a signed record that releases the bank from any further obligation to comply with instructions originated by the secured party;

(2) A secured party having control of a deposit account under RCW 62A.9A-104(a)(3) shall:

(A) Pay the debtor the balance on deposit in the deposit account; or

(B) Transfer the balance on deposit into a deposit account in the debtor's name;

(3) ~~((A secured party, other than a buyer, having control of electronic chattel paper under RCW 62A.9A-105 shall:~~

~~(A) Communicate the authoritative copy of the electronic chattel paper to the debtor or its designated custodian;~~

~~(B) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic chattel paper is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

~~(C) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party))~~ A secured party, other than a buyer, having control under RCW 62A.9A-105 of an authoritative electronic copy of a record evidencing chattel paper shall transfer control of the electronic copy to the debtor or a person designated by the debtor;

(4) A secured party having control of investment property under RCW 62A.8-106(4)(b) or 62A.9A-106(b) shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is maintained ~~((an authenticated))~~ a signed record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party;

(5) A secured party having control of a letter-of-credit right under RCW 62A.9A-107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party ~~((an authenticated))~~ a signed release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party; ~~((and))~~

(6) ~~((A secured party having control of an electronic document shall:~~

~~(A) Give control of the electronic document to the debtor or its designated custodian;~~

~~(B) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

~~(C) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party))~~ A secured party having control under RCW 62A.7-106 of an authoritative electronic copy of an

electronic document of title shall transfer control of the electronic copy to the debtor or a person designated by the debtor;

(7) A secured party having control under section 904 of this act of electronic money shall transfer control of the electronic money to the debtor or a person designated by the debtor; and

(8) A secured party having control under section 1005 of this act of a controllable electronic record, other than a buyer of a controllable account or controllable payment intangible evidenced by the controllable electronic record, shall transfer control of the controllable electronic record to the debtor or a person designated by the debtor.

**Sec. 911.** RCW 62A.9A-209 and 2011 c 74 s 707 are each amended to read as follows:

(a) **Applicability of section.** Except as otherwise provided in subsection (c) of this section, this section applies if:

(1) There is no outstanding secured obligation; and

(2) The secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) **Duties of secured party after receiving demand from debtor.** Within ~~((ten))~~ 10 days after receiving ~~((an authenticated))~~ a signed demand by the debtor, a secured party shall send to an account debtor that has received notification under RCW 62A.9A-406(a) or section 1006(b) of this act of an assignment to the secured party as assignee ~~((under RCW 62A.9A-406(a) an authenticated))~~ a signed record that releases the account debtor from any further obligation to the secured party.

(c) **Inapplicability to sales.** This section does not apply to an assignment constituting the sale of an account, chattel paper, or payment intangible.

**Sec. 912.** RCW 62A.9A-210 and 2000 c 250 s 9A-210 are each amended to read as follows:

(a) **Definitions.** In this section:

(1) "Request" means a record of a type described in (2), (3), or (4) of this subsection.

(2) "Request for an accounting" means a record ~~((authenticated))~~ signed by a debtor requesting that the recipient provide an accounting of the unpaid obligations secured by collateral and reasonably identifying the transaction or relationship that is the subject of the request.

(3) "Request regarding a list of collateral" means a record ~~((authenticated))~~ signed by a debtor requesting that the recipient approve or correct a list of what the debtor believes to be the collateral securing an obligation and reasonably identifying the transaction or relationship that is the subject of the request.

(4) "Request regarding a statement of account" means a record ~~((authenticated))~~ signed by a debtor requesting that the recipient approve or correct a statement indicating what the debtor believes to be the aggregate amount of unpaid obligations secured by collateral as of a specified date and reasonably

identifying the transaction or relationship that is the subject of the request.

(b) **Duty to respond to requests.** Subject to subsections (c), (d), (e), and (f) of this section, a secured party, other than a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor, shall comply with a request within fourteen days after receipt:

(1) In the case of a request for an accounting, by ~~((authenticating))~~ signing and sending to the debtor an accounting; and

(2) In the case of a request regarding a list of collateral or a request regarding a statement of account, by ~~((authenticating))~~ signing and sending to the debtor an approval or correction.

(c) **Request regarding list of collateral; statement concerning type of collateral.** A secured party that claims a security interest in all of a particular type of collateral owned by the debtor may comply with a request regarding a list of collateral by sending to the debtor ~~((an authenticated))~~ a signed record including a statement to that effect within ~~((fourteen))~~ 14 days after receipt.

(d) **Request regarding list of collateral; no interest claimed.** A person that receives a request regarding a list of collateral, claims no interest in the collateral when it receives the request, and claimed an interest in the collateral at an earlier time shall comply with the request within ~~((fourteen))~~ 14 days after receipt by sending to the debtor ~~((an authenticated))~~ a signed record:

(1) Disclaiming any interest in the collateral; and

(2) If known to the recipient, providing the name and mailing address of any assignee of, or successor to, the recipient's interest in the collateral.

(e) **Request for accounting or regarding statement of account; no interest in obligation claimed.** A person that receives a request for an accounting or a request regarding a statement of account, claims no interest in the obligations when it receives the request, and claimed an interest in the obligations at an earlier time shall comply with the request within fourteen days after receipt by sending to the debtor ~~((an authenticated))~~ a signed record:

(1) Disclaiming any interest in the obligations; and

(2) If known to the recipient, providing the name and mailing address of any assignee of, or successor to, the recipient's interest in the obligations.

(f) **Charges for responses.** A debtor is entitled without charge to one response to a request under this section during any six-month period. The secured party may require payment of a charge not exceeding twenty-five dollars for each additional response.

**Sec. 913.** RCW 62A.9A-301 and 2012 c 214 s 1506 are each amended to read as follows:

Except as otherwise provided in RCW 62A.9A-303 through 62A.9A-306 and section 917 of this act, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and

the priority of a security interest in collateral:

(1) Except as otherwise provided in this section, while a debtor is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral.

(2) While collateral is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a possessory security interest in that collateral.

(3) Except as otherwise provided in subsection (4) of this section, while (~~tangible~~) negotiable tangible documents, goods, instruments, or tangible money (~~(, or tangible chattel paper)~~) is located in a jurisdiction, the local law of that jurisdiction governs:

(A) Perfection of a security interest in the goods by filing a fixture filing;

(B) Perfection of a security interest in timber to be cut; and

(C) The effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral.

(4) The local law of the jurisdiction in which the wellhead or minehead is located governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral.

**Sec. 914.** RCW 62A.9A-304 and 2000 c 250 s 9A-304 are each amended to read as follows:

(a) **Law of bank's jurisdiction governs.** The local law of a bank's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a deposit account maintained with that bank even if the transaction does not bear any relation to the bank's jurisdiction.

(b) **Bank's jurisdiction.** The following rules determine a bank's jurisdiction for purposes of this part:

(1) If an agreement between the bank and the debtor governing the deposit account expressly provides that a particular jurisdiction is the bank's jurisdiction for purposes of this part, this Article, or the Uniform Commercial Code, that jurisdiction is the bank's jurisdiction.

(2) If (1) of this subsection does not apply and an agreement between the bank and its customer governing the deposit account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(3) If neither (1) nor (2) of this subsection applies and an agreement between the bank and its customer governing the deposit account expressly provides that the deposit account is maintained at an office in a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(4) If (1) through (3) of this subsection do not apply, the bank's jurisdiction is the jurisdiction in which the office identified

in an account statement as the office serving the customer's account is located.

(5) If (1) through (4) of this subsection do not apply, the bank's jurisdiction is the jurisdiction in which the chief executive office of the bank is located.

**Sec. 915.** RCW 62A.9A-305 and 2001 c 32 s 23 are each amended to read as follows:

(a) **Governing law: General rules.** Except as otherwise provided in subsection (c) of this section, the following rules apply:

(1) While a security certificate is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the certificated security represented thereby.

(2) The local law of the issuer's jurisdiction as specified in RCW 62A.8-110(4) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in an uncertificated security.

(3) The local law of the securities intermediary's jurisdiction as specified in RCW 62A.8-110(5) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a security entitlement or securities account.

(4) The local law of the commodity intermediary's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a commodity contract or commodity account.

(5) (2), (3), and (4) of this subsection apply even if the transaction does not bear any relation to the jurisdiction.

(b) **Commodity intermediary's jurisdiction.** The following rules determine a commodity intermediary's jurisdiction for purposes of this part:

(1) If an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that a particular jurisdiction is the commodity intermediary's jurisdiction for purposes of this part, this Article, or the Uniform Commercial Code, that jurisdiction is the commodity intermediary's jurisdiction.

(2) If (1) of this subsection does not apply and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(3) If neither (1) nor (2) of this subsection applies and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the commodity account is maintained at an office in a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(4) If (1) through (3) of this subsection do not apply, the commodity intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the commodity customer's account is located.



(5) If (1) through (4) of this subsection do not apply, the commodity intermediary's jurisdiction is the jurisdiction in which the chief executive office of the commodity intermediary is located.

(c) **When perfection governed by law of jurisdiction where debtor located.** The local law of the jurisdiction in which the debtor is located governs:

(1) Perfection of a security interest in investment property by filing;

(2) Automatic perfection of a security interest in investment property created by a broker or securities intermediary; and

(3) Automatic perfection of a security interest in a commodity contract or commodity account created by a commodity intermediary.

NEW SECTION. **Sec. 916.** A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-306A: LAW GOVERNING PERFECTION AND PRIORITY OF SECURITY INTERESTS IN CHATEL PAPER. (a) **Chattel paper evidenced by authoritative electronic copy.** Except as provided in subsection (d) of this section, if chattel paper is evidenced only by an authoritative electronic copy of the chattel paper or is evidenced by an authoritative electronic copy and an authoritative tangible copy, the local law of the chattel paper's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the chattel paper, even if the transaction does not bear any relation to the chattel paper's jurisdiction.

(b) **Chattel paper's jurisdiction.** The following rules determine the chattel paper's jurisdiction under this section:

(1) If the authoritative electronic copy of the record evidencing chattel paper, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this Article, or this title, that jurisdiction is the chattel paper's jurisdiction.

(2) If (1) of this subsection does not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this Article, or this title, that jurisdiction is the chattel paper's jurisdiction.

(3) If (1) and (2) of this subsection do not apply and the authoritative electronic copy, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that the chattel paper is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(4) If (1), (2), and (3) of this subsection do not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that the chattel paper or the system is governed by

the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(5) If (1) through (4) of this subsection do not apply, the chattel paper's jurisdiction is the jurisdiction in which the debtor is located.

(c) **Chattel paper evidenced by authoritative tangible copy.** If an authoritative tangible copy of a record evidences chattel paper and the chattel paper is not evidenced by an authoritative electronic copy, while the authoritative tangible copy of the record evidencing chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

(1) Perfection of a security interest in the chattel paper by possession under section 922 of this act; and

(2) The effect of perfection or nonperfection and the priority of a security interest in the chattel paper.

(d) **When perfection governed by law of jurisdiction where debtor located.** The local law of the jurisdiction in which the debtor is located governs perfection of a security interest in chattel paper by filing.

NEW SECTION. **Sec. 917.** A new section is added to chapter 62A.9A RCW to read as follows:

SECTION 9-306B: LAW GOVERNING PERFECTION AND PRIORITY OF SECURITY INTERESTS IN CONTROLLABLE ACCOUNTS, CONTROLLABLE ELECTRONIC RECORDS, AND CONTROLLABLE PAYMENT INTANGIBLES. (a) **Governing law: General rules.** Except as provided in subsection (b) of this section, the local law of the controllable electronic record's jurisdiction specified in section 1007 (c) and (d) of this act governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a controllable electronic record and a security interest in a controllable account or controllable payment intangible evidenced by the controllable electronic record.

(b) **When perfection governed by law of jurisdiction where debtor located.** The local law of the jurisdiction in which the debtor is located governs:

(1) Perfection of a security interest in a controllable account, controllable electronic record, or controllable payment intangible by filing; and

(2) Automatic perfection of a security interest in a controllable payment intangible created by a sale of the controllable payment intangible.

**Sec. 918.** RCW 62A.9A-310 and 2012 c 214 s 1508 are each amended to read as follows:

(a) **General rule: Perfection by filing.** Except as otherwise provided in subsections (b) and (d) of this section and RCW 62A.9A-312(b), a financing statement must be filed to perfect all security interests and agricultural liens.

(b) **Exceptions: Filing not necessary.** The filing of a financing statement is not necessary to perfect a security interest:

(1) That is perfected under RCW 62A.9A-308 (d), (e), (f), or (g);

(2) That is perfected under RCW 62A.9A-309 when it attaches;

(3) In property subject to a statute, regulation, or treaty described in RCW 62A.9A-311(a);

(4) In goods in possession of a bailee which is perfected under RCW 62A.9A-312(d) (1) or (2);

(5) In certificated securities, documents, goods, or instruments which is perfected without filing, control, or possession under RCW 62A.9A-312 (e), (f), or (g);

(6) In collateral in the secured party's possession under RCW 62A.9A-313;

(7) In a certificated security which is perfected by delivery of the security certificate to the secured party under RCW 62A.9A-313;

(8) In controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, ((electronic chattel paper,)) electronic documents, investment property, or letter-of-credit rights which is perfected by control under RCW 62A.9A-314;

(8.1) In chattel paper which is perfected by possession and control under section 922 of this act;

(9) In proceeds which is perfected under RCW 62A.9A-315; or

(10) That is perfected under RCW 62A.9A-316.

(c) **Assignment of perfected security interest.** If a secured party assigns a perfected security interest or agricultural lien, a filing under this Article is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(d) **Further exception: Filing not necessary for handler's lien.** The filing of a financing statement is not necessary to perfect the agricultural lien of a handler on orchard crops as provided in RCW 60.11.020(3).

**Sec. 919.** RCW 62A.9A-312 and 2012 c 214 s 1509 are each amended to read as follows:

(a) **Perfection by filing permitted.** A security interest in chattel paper, ((negotiable documents,)) controllable accounts, controllable electronic records, controllable payment intangibles, instruments, ((or)) investment property, or negotiable documents may be perfected by filing.

(b) **Control or possession of certain collateral.** Except as otherwise provided in RCW 62A.9A-315 (c) and (d) for proceeds:

(1) A security interest in a deposit account may be perfected only by control under RCW 62A.9A-314;

(2) And except as otherwise provided in RCW 62A.9A-308(d), a security interest in a letter-of-credit right may be perfected only by control under RCW 62A.9A-314; ((and))

(3) A security interest in tangible money may be perfected only by the secured party's taking possession under RCW 62A.9A-313; and

(4) A security interest in electronic money may be perfected only by control under RCW 62A.9A-314.

(c) **Goods covered by negotiable document.** While goods are in the possession of a bailee that has issued a negotiable document covering the goods:

(1) A security interest in the goods may be perfected by perfecting a security interest in the document; and

(2) A security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.

(d) **Goods covered by nonnegotiable document.** While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by:

(1) Issuance of a document in the name of the secured party;

(2) The bailee's receipt of notification of the secured party's interest; or

(3) Filing as to the goods.

(e) **Temporary perfection: New value.** A security interest in certificated securities, negotiable documents, or instruments is perfected without filing or the taking of possession or control for a period of twenty days from the time it attaches to the extent that it arises for new value given under ((an authenticated)) a signed security agreement.

(f) **Temporary perfection: Goods or documents made available to debtor.** A perfected security interest in a negotiable document or goods in possession of a bailee, other than one that has issued a negotiable document for the goods, remains perfected for twenty days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of:

(1) Ultimate sale or exchange; or

(2) Loading, unloading, storing, shipping, transshipping, manufacturing, processing, or otherwise dealing with them in a manner preliminary to their sale or exchange.

(g) **Temporary perfection: Delivery of security certificate or instrument to debtor.** A perfected security interest in a certificated security or instrument remains perfected for twenty days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of:

(1) Ultimate sale or exchange; or

(2) Presentation, collection, enforcement, renewal, or registration of transfer.

(h) **Expiration of temporary perfection.** After the twenty-day period specified in subsection (e), (f), or (g) of this section expires, perfection depends upon compliance with this Article.

**Sec. 920.** RCW 62A.9A-313 and 2012 c 214 s 1511 are each amended to read as follows:

(a) **Perfection by possession or delivery.** Except as otherwise provided in subsection (b) of this section, a secured party may perfect a security interest in ((tangible negotiable documents,)) goods, instruments, negotiable tangible documents, or tangible money((, or tangible chattel paper)) by taking possession of the collateral. A

secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under RCW 62A.8-301.

(b) **Goods covered by certificate of title.** With respect to goods covered by a certificate of title issued by this state, a secured party may perfect a security interest in the goods by taking possession of the goods only in the circumstances described in RCW 62A.9A-316(d).

(c) **Collateral in possession of person other than debtor.** With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party, or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when:

(1) The person in possession ~~((authenticates))~~ signs a record acknowledging that it holds possession of the collateral for the secured party's benefit; or

(2) The person takes possession of the collateral after having ~~((authenticates))~~ signed a record acknowledging that it will hold possession of the collateral for the secured party's benefit.

(d) **Time of perfection by possession; continuation of perfection.** If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs ~~((no))~~ not earlier than the time the secured party takes possession and continues only while the secured party retains possession.

(e) **Time of perfection by delivery; continuation of perfection.** A security interest in a certificated security in registered form is perfected by delivery when delivery of the certificated security occurs under RCW 62A.8-301 and remains perfected by delivery until the debtor obtains possession of the security certificate.

(f) **Acknowledgment not required.** A person in possession of collateral is not required to acknowledge that it holds possession for a secured party's benefit.

(g) **Effectiveness of acknowledgment; no duties or confirmation.** If a person acknowledges that it holds possession for the secured party's benefit:

(1) The acknowledgment is effective under subsection (c) of this section or RCW 62A.8-301(1), even if the acknowledgment violates the rights of a debtor; and

(2) Unless the person otherwise agrees or law other than this Article otherwise provides, the person does not owe any duty to the secured party and is not required to confirm the acknowledgment to another person.

(h) **Secured party's delivery to person other than debtor.** A secured party having possession of collateral does not relinquish possession by delivering the collateral to a person other than the debtor or a lessee of the collateral from the debtor in the ordinary course of the debtor's business if the person was instructed before the

delivery or is instructed contemporaneously with the delivery:

(1) To hold possession of the collateral for the secured party's benefit; or

(2) To redeliver the collateral to the secured party.

(i) **Effect of delivery under subsection (h) of this section; no duties or confirmation.** A secured party does not relinquish possession, even if a delivery under subsection (h) of this section violates the rights of a debtor. A person to which collateral is delivered under subsection (h) of this section does not owe any duty to the secured party and is not required to confirm the delivery to another person unless the person otherwise agrees or law other than this Article otherwise provides.

**Sec. 921.** RCW 62A.9A-314 and 2012 c 214 s 1512 are each amended to read as follows:

(a) **Perfection by control.** A security interest in ~~((investment property, deposit accounts, letter-of-credit rights, electronic chattel paper, or electronic documents))~~ controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, electronic money, investment property, or letter-of-credit rights may be perfected by control of the collateral under RCW 62A.7-106, 62A.9A-104, ~~((62A.9A-105,))~~ 62A.9A-106, or 62A.9A-107 or section 904 or 905 of this act.

(b) **Specified collateral: Time of perfection by control; continuation of perfection.** A security interest in ~~((deposit accounts, electronic chattel paper, letter-of-credit rights, or electronic documents))~~ controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, electronic money, or letter-of-credit rights is perfected by control under RCW 62A.7-106, 62A.9A-104, ~~((62A.9A-105,))~~ or 62A.9A-107 or section 904 or 905 of this act not earlier than the time when the secured party obtains control and remains perfected by control only while the secured party retains control.

(c) **Investment property: Time of perfection by control; continuation of perfection.** A security interest in investment property is perfected by control under RCW 62A.9A-106 ~~((from))~~ not earlier than the time the secured party obtains control and remains perfected by control until:

(1) The secured party does not have control; and

(2) One of the following occurs:

(A) If the collateral is a certificated security, the debtor has or acquires possession of the security certificate;

(B) If the collateral is an uncertificated security, the issuer has registered or registers the debtor as the registered owner; or

(C) If the collateral is a security entitlement, the debtor is or becomes the entitlement holder.

**NEW SECTION. Sec. 922.** A new section is added to chapter 62A.9A RCW to read as follows:

**SECTION 9-314A: PERFECTION BY POSSESSION AND CONTROL OF CHATTEL PAPER.** (a) **Perfection by possession and control.** A secured party may perfect a security interest in chattel paper by taking possession of each authoritative tangible copy of the record evidencing the chattel paper and obtaining control of each authoritative electronic copy of the electronic record evidencing the chattel paper.

(b) **Time of perfection; continuation of perfection.** A security interest is perfected under subsection (a) of this section not earlier than the time the secured party takes possession and obtains control and remains perfected under subsection (a) of this section only while the secured party retains possession and control.

(c) **Application of RCW 62A.9A-313 to perfection by possession of chattel paper.** RCW 62A.9A-313 (c) and (f) through (i) applies to perfection by possession of an authoritative tangible copy of a record evidencing chattel paper.

**Sec. 923.** RCW 62A.9A-316 and 2011 c 74 s 203 are each amended to read as follows:

(a) **General rule: Effect on perfection of change in governing law.** A security interest perfected pursuant to the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) or section 916 or 917 of this act remains perfected until the earliest of:

(1) The time perfection would have ceased under the law of that jurisdiction;

(2) The expiration of four months after a change of the debtor's location to another jurisdiction; or

(3) The expiration of one year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.

(b) **Security interest perfected or unperfected under law of new jurisdiction.** If a security interest described in subsection (a) of this section becomes perfected under the law of the other jurisdiction before the earliest time or event described in subsection (a) of this section, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(c) **Possessory security interest in collateral moved to new jurisdiction.** A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:

(1) The collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction;

(2) Thereafter the collateral is brought into another jurisdiction; and

(3) Upon entry into the other jurisdiction, the security interest is

perfected under the law of the other jurisdiction.

(d) **Goods covered by certificate of title from this state.** Except as otherwise provided in subsection (e) of this section, a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this state remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

(e) **When subsection (d) security interest becomes unperfected against purchasers.** A security interest described in subsection (d) of this section becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under RCW 62A.9A-311(b) or 62A.9A-313 are not satisfied before the earlier of:

(1) The time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this state; or

(2) The expiration of four months after the goods had become so covered.

(f) **Change in jurisdiction of chattel paper, controllable electronic record, bank, issuer, nominated person, securities intermediary, or commodity intermediary.** A security interest in chattel paper, controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, letter-of-credit rights, or investment property which is perfected under the law of the chattel paper's jurisdiction, the controllable electronic record's jurisdiction, the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction, or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

(1) The time the security interest would have become unperfected under the law of that jurisdiction; or

(2) The expiration of four months after a change of the applicable jurisdiction to another jurisdiction.

(g) **Subsection (f) of this section security interest perfected or unperfected under law of new jurisdiction.** If a security interest described in subsection (f) of this section becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in subsection (f) of this section, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(h) **Effect on filed financing statement of change in governing law.** The following rules apply to collateral to which a security interest attaches within four

months after the debtor changes its location to another jurisdiction:

(1) A financing statement filed before the change pursuant to the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral had the debtor not changed its location.

(2) If a security interest perfected by a financing statement that is effective under (1) of this subsection (h) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) or the expiration of the four-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(i) **Effect of change in governing law on financing statement filed against original debtor.** If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) and the new debtor is located in another jurisdiction, the following rules apply:

(1) The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within four months after, the new debtor becomes bound under RCW 62A.9A-203(d), if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.

(2) A security interest perfected by the financing statement and which becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in RCW 62A.9A-301(1) or 62A.9A-305(c) or the expiration of the four-month period remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

**Sec. 924.** RCW 62A.9A-317 and 2012 c 214 s 1514 are each amended to read as follows:

(a) **Conflicting security interests and rights of lien creditors.** A security interest or agricultural lien is subordinate to the rights of:

(1) A person entitled to priority under RCW 62A.9A-322; and

(2) Except as otherwise provided in subsection (e) of this section, a person that becomes a lien creditor before the earlier of the time:

(A) The security interest or agricultural lien is perfected; or

(B) One of the conditions specified in RCW 62A.9A-203(b)(3) is met and a financing statement covering the collateral is filed.

(b) **Buyers that receive delivery.** Except as otherwise provided in subsection (e) of this section, a buyer, other than a secured party, of (~~tangible chattel paper, tangible documents,~~) goods, instruments, tangible documents, or a certificated security takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(c) **Lessees that receive delivery.** Except as otherwise provided in subsection (e) of this section, a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(d) **Licensees and buyers of certain collateral.** ~~(A) Subject to subsections (f) through (i) of this section,~~ a licensee of a general intangible or a buyer, other than a secured party, of collateral other than (~~tangible chattel paper, tangible documents,~~) electronic money, goods, instruments, tangible documents, or a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(e) **Purchase-money security interest.** Except as otherwise provided in RCW 62A.9A-320 and 62A.9A-321, if a person files a financing statement with respect to a purchase-money security interest before or within twenty days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.

(f) Buyers of chattel paper. A buyer, other than a secured party, of chattel paper takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and:

(1) Receives delivery of each authoritative tangible copy of the record evidencing the chattel paper; and

(2) If each authoritative electronic copy of the record evidencing the chattel paper can be subjected to control under RCW 62A.9A-105, obtains control of each authoritative electronic copy.

(g) Buyers of electronic documents. A buyer of an electronic document takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and, if each authoritative electronic copy of the document can be subjected to control under RCW 62A.7-106, obtains control of each authoritative electronic copy.

(h) Buyers of controllable electronic records. A buyer of a controllable electronic record takes free of a security interest if, without knowledge of the security interest and before it is

perfected, the buyer gives value and obtains control of the controllable electronic record.

(i) **Buyers of controllable accounts and controllable payment intangibles.** A buyer, other than a secured party, of a controllable account or a controllable payment intangible takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable account or controllable payment intangible.

**Sec. 925.** RCW 62A.9A-323 and 2000 c 250 s 9A-323 are each amended to read as follows:

(a) **When priority based on time of advance.** Except as otherwise provided in subsection (c) of this section, for purposes of determining the priority of a perfected security interest under RCW 62A.9A-322(a) (1), perfection of the security interest dates from the time an advance is made to the extent that the security interest secures an advance that:

(1) Is made while the security interest is perfected only:

(A) Under RCW 62A.9A-309 when it attaches; or

(B) Temporarily under RCW 62A.9A-312 (e), (f), or (g); and

(2) Is not made pursuant to a commitment entered into before or while the security interest is perfected by a method other than under RCW 62A.9A-309 or 62A.9A-312 (e), (f), or (g).

(b) **Lien creditor.** Except as otherwise provided in subsection (c) of this section, a security interest is subordinate to the rights of a person that becomes a lien creditor to the extent that the security interest secures an advance made more than forty-five days after the person becomes a lien creditor unless the advance is made:

(1) Without knowledge of the lien; or

(2) Pursuant to a commitment entered into without knowledge of the lien.

(c) **Buyer of receivables.** Subsections (a) and (b) of this section do not apply to a security interest held by a secured party that is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor.

(d) **Buyer of goods.** Except as otherwise provided in subsection (e) of this section, a buyer of goods (~~((either than a buyer in ordinary course of business))~~) takes free of a security interest to the extent that it secures advances made after the earlier of:

(1) The time the secured party acquires knowledge of the buyer's purchase; or

(2) Forty-five days after the purchase.

(e) **Advances made pursuant to commitment: Priority of buyer of goods.** Subsection (d) of this section does not apply if the advance is made pursuant to a commitment entered into without knowledge of the buyer's purchase and before the expiration of the forty-five day period.

(f) **Lessee of goods.** Except as otherwise provided in subsection (g) of this section, a lessee of goods (~~(, other than a lessee in ordinary course of business,)~~) takes the leasehold interest free of a security

interest to the extent that it secures advances made after the earlier of:

(1) The time the secured party acquires knowledge of the lease; or

(2) Forty-five days after the lease contract becomes enforceable.

(g) **Advances made pursuant to commitment: Priority of lessee of goods.** Subsection (f) of this section does not apply if the advance is made pursuant to a commitment entered into without knowledge of the lease and before the expiration of the forty-five day period.

**Sec. 926.** RCW 62A.9A-324 and 2000 c 250 s 9A-324 are each amended to read as follows:

(a) **General rule: Purchase-money priority.** Except as otherwise provided in subsection (g) of this section, a perfected purchase-money security interest in goods other than inventory or livestock has priority over a conflicting security interest in the same goods, and, except as otherwise provided in RCW 62A.9A-327, a perfected security interest in its identifiable proceeds also has priority, if the purchase-money security interest is perfected when the debtor receives possession of the collateral or within twenty days thereafter.

(b) **Inventory purchase-money priority.** Subject to subsection (c) of this section and except as otherwise provided in subsection (g) of this section, a perfected purchase-money security interest in inventory has priority over a conflicting security interest in the same inventory, has priority over a conflicting security interest in chattel paper or an instrument constituting proceeds of the inventory and in proceeds of the chattel paper, if so provided in RCW 62A.9A-330, and, except as otherwise provided in RCW 62A.9A-327, also has priority in identifiable cash proceeds of the inventory to the extent the identifiable cash proceeds are received on or before the delivery of the inventory to a buyer, if:

(1) The purchase-money security interest is perfected when the debtor receives possession of the inventory;

(2) The purchase-money secured party sends ~~((an authenticated))~~ a signed notification to the holder of the conflicting security interest;

(3) The holder of the conflicting security interest receives the notification within five years before the debtor receives possession of the inventory; and

(4) The notification states that the person sending the notification has or expects to acquire a purchase-money security interest in inventory of the debtor and describes the inventory.

(c) **Holders of conflicting inventory security interests to be notified.** Subsections (b)(2) through (4) of this section apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of inventory:

(1) If the purchase-money security interest is perfected by filing, before the date of the filing; or

(2) If the purchase-money security interest is temporarily perfected without filing or possession under RCW 62A.9A-312(f), before the beginning of the twenty-day period thereunder.

(d) **Livestock purchase-money priority.** Subject to subsection (e) of this section and except as otherwise provided in subsection (g) of this section, a perfected purchase-money security interest in livestock that are farm products has priority over a conflicting security interest in the same livestock, and, except as otherwise provided in RCW 62A.9A-327, a perfected security interest in their identifiable proceeds and identifiable products in their unmanufactured states also has priority, if:

(1) The purchase-money security interest is perfected when the debtor receives possession of the livestock;

(2) The purchase-money secured party sends ~~((an authenticated))~~ a signed notification to the holder of the conflicting security interest;

(3) The holder of the conflicting security interest receives the notification within six months before the debtor receives possession of the livestock; and

(4) The notification states that the person sending the notification has or expects to acquire a purchase-money security interest in livestock of the debtor and describes the livestock.

(e) **Holders of conflicting livestock security interests to be notified.** Subsections (d)(2) through (4) of this section apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of livestock:

(1) If the purchase-money security interest is perfected by filing, before the date of the filing; or

(2) If the purchase-money security interest is temporarily perfected without filing or possession under RCW 62A.9A-312(f), before the beginning of the twenty-day period thereunder.

(f) **Software purchase-money priority.** Except as otherwise provided in subsection (g) of this section, a perfected purchase-money security interest in software has priority over a conflicting security interest in the same collateral, and, except as otherwise provided in RCW 62A.9A-327, a perfected security interest in its identifiable proceeds also has priority, to the extent that the purchase-money security interest in the goods in which the software was acquired for use has priority in the goods and proceeds of the goods under this section.

(g) **Conflicting purchase-money security interests.** If more than one security interest qualifies for priority in the same collateral under subsection (a), (b), (d), or (f) of this section:

(1) A security interest securing an obligation incurred as all or part of the price of the collateral has priority over a security interest securing an obligation incurred for value given to enable the debtor to acquire rights in or the use of collateral; and

(2) In all other cases, RCW 62A.9A-322(a) applies to the qualifying security interests.

**NEW SECTION. Sec. 927.** A new section is added to chapter 62A.9A RCW to read as follows:

**SECTION 9-326A: PRIORITY OF SECURITY INTEREST IN CONTROLLABLE ACCOUNT, CONTROLLABLE ELECTRONIC RECORD, AND CONTROLLABLE PAYMENT INTANGIBLE.** A security interest in a controllable account, controllable electronic record, or controllable payment intangible held by a secured party having control of the account, electronic record, or payment intangible has priority over a conflicting security interest held by a secured party that does not have control.

**Sec. 928.** RCW 62A.9A-330 and 2000 c 250 s 9A-330 are each amended to read as follows:

(a) **Purchaser's priority: Security interest claimed merely as proceeds.** A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed merely as proceeds of inventory subject to a security interest if:

(1) In good faith and in the ordinary course of the purchaser's business, the purchaser gives new value ~~((and))~~ takes possession of each authoritative tangible copy of the record evidencing the chattel paper ~~((or))~~, and obtains control ~~((of))~~ under RCW 62A.9A-105 of each authoritative electronic copy of the record evidencing the chattel paper ~~((under RCW 62A.9A-105))~~; and

(2) The ~~((chattel paper does))~~ authoritative copies of the record evidencing the chattel paper do not indicate that ~~((it))~~ the chattel paper has been assigned to an identified assignee other than the purchaser.

(b) **Purchaser's priority: Other security interests.** A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed other than merely as proceeds of inventory subject to a security interest if the purchaser gives new value ~~((and))~~ takes possession of each authoritative tangible copy of the record evidencing the chattel paper ~~((or))~~, and obtains control ~~((of))~~ under RCW 62A.9A-105 of each authoritative electronic copy of the record evidencing the chattel paper ~~((under RCW 62A.9A-105))~~ in good faith, in the ordinary course of the purchaser's business, and without knowledge that the purchase violates the rights of the secured party.

(c) **Chattel paper purchaser's priority in proceeds.** Except as otherwise provided in RCW 62A.9A-327, a purchaser having priority in chattel paper under subsection (a) or (b) of this section also has priority in proceeds of the chattel paper to the extent that:

(1) RCW 62A.9A-322 provides for priority in the proceeds; or

(2) The proceeds consist of the specific goods covered by the chattel paper or cash proceeds of the specific goods, even if the purchaser's security interest in the proceeds is unperfected.

(d) **Instrument purchaser's priority.** Except as otherwise provided in RCW 62A.9A-331(a), a purchaser of an instrument has priority over a security interest in the instrument perfected by a method other than possession if the purchaser gives value and takes possession of the instrument in good faith and without knowledge that the purchase violates the rights of the secured party.

(e) **Holder of purchase-money security interest gives new value.** For purposes of subsections (a) and (b) of this section, the holder of a purchase-money security interest in inventory gives new value for chattel paper constituting proceeds of the inventory.

(f) **Indication of assignment gives knowledge.** For purposes of subsections (b) and (d) of this section, if the authoritative copies of the record evidencing chattel paper or an instrument indicate ~~((s))~~ that ~~((it))~~ the chattel paper or instrument has been assigned to an identified secured party other than the purchaser, a purchaser of the chattel paper or instrument has knowledge that the purchase violates the rights of the secured party.

**Sec. 929.** RCW 62A.9A-331 and 2001 c 32 s 30 are each amended to read as follows:

(a) **Rights under Articles 3, 7, ~~((and))~~ 8, and 12 not limited.** This Article does not limit the rights of a holder in due course of a negotiable instrument, a holder to which a negotiable document of title has been duly negotiated, ~~((or))~~ a protected purchaser of a security, or a qualifying purchaser of a controllable account, controllable electronic record, or controllable payment intangible. These holders or purchasers take priority over an earlier security interest, even if perfected, to the extent provided in Articles 3, 7, ~~((and))~~ 8, and 12.

(b) **Protection under Articles 8 and 12.** This Article does not limit the rights of or impose liability on a person to the extent that the person is protected against the assertion of a claim under Article 8 or 12.

(c) **Filing not notice.** Filing under this Article does not constitute notice of a claim or defense to the holders, or purchasers, or persons described in subsections (a) and (b) of this section.

**Sec. 930.** RCW 62A.9A-332 and 2000 c 250 s 9A-332 are each amended to read as follows:

(a) **Transferee of tangible money.** A transferee of tangible money takes the money free of a security interest ~~((unless the transferee acts))~~ if the transferee receives possession of the money without acting in collusion with the debtor in violating the rights of the secured party.

(b) **Transferee of funds from deposit account.** A transferee of funds from a deposit account takes the funds free of a security interest in the deposit account ~~((unless the transferee acts))~~ if the transferee receives possession of the money without acting in collusion with the debtor

in violating the rights of the secured party.

(c) Transferee of electronic money. A transferee of electronic money takes the money free of a security interest if the transferee obtains control of the money without acting in collusion with the debtor in violating the rights of the secured party.

**Sec. 931.** RCW 62A.9A-334 and 2001 c 32 s 32 are each amended to read as follows:

(a) **Security interest in fixtures under this Article.** A security interest under this Article may be created in goods that are fixtures or may continue in goods that become fixtures. A security interest does not exist under this Article in ordinary building materials incorporated into an improvement on land.

(b) **Security interest in fixtures under real-property law.** This Article does not prevent creation of an encumbrance upon fixtures under real property law.

(c) **General rule: Subordination of security interest in fixtures.** In cases not governed by subsections (d) through (h) of this section, a security interest in fixtures is subordinate to a conflicting interest of an encumbrancer or owner of the related real property other than the debtor.

(d) **Fixtures purchase-money priority.** Except as otherwise provided in subsection (h) of this section, a perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in, or is in possession of, the real property and:

(1) The security interest is a purchase-money security interest;

(2) The interest of the encumbrancer or owner arises before the goods become fixtures; and

(3) The security interest is perfected by a fixture filing before the goods become fixtures or within twenty days thereafter.

(e) **Priority of security interest in fixtures over interests in real property.** A perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(1) The debtor has an interest of record in the real property or is in possession of the real property and the security interest:

(A) Is perfected by a fixture filing before the interest of the encumbrancer or owner is of record; and

(B) Has priority over any conflicting interest of a predecessor in title of the encumbrancer or owner;

(2) Before the goods become fixtures, the security interest is perfected by any method permitted by this Article and the fixtures are readily removable:

(A) Factory or office machines;

(B) Equipment that is not primarily used or leased for use in the operation of the real property; or

(C) Replacements of domestic appliances that are consumer goods; or

(3) The conflicting interest is a lien on the real property obtained by legal or equitable proceedings after the security



interest was perfected by any method permitted by this Article.

(f) **Priority based on consent, disclaimer, or right to remove.** A security interest in fixtures, whether or not perfected, has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(1) The encumbrancer or owner has, in ~~((an authenticated))~~ a signed record, consented to the security interest or disclaimed an interest in the goods as fixtures; or

(2) The debtor has a right to remove the goods as against the encumbrancer or owner.

(g) **Continuation of subsection (f)(2) priority.** The priority of the security interest under subsection (f)(2) of this section continues for a reasonable time if the debtor's right to remove the goods as against the encumbrancer or owner terminates.

(h) **Priority of construction mortgage.** A mortgage is a construction mortgage to the extent that it secures an obligation incurred for the construction of an improvement on land, including the acquisition cost of the land, if a recorded record of the mortgage so indicates. Except as otherwise provided in subsections (e) and (f) of this section, a security interest in fixtures is subordinate to a construction mortgage if a record of the mortgage is recorded before the goods become fixtures and the goods become fixtures before the completion of the construction. A mortgage has this priority to the same extent as a construction mortgage to the extent that it is given to refinance a construction mortgage.

(i) **Priority of security interest in crops.** A perfected security interest in crops growing on real property has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in or is in possession of the real property.

(j) **Subsection (i) prevails.** Subsection (i) of this section prevails over inconsistent provisions of any other statute except RCW 60.11.050.

**Sec. 932.** RCW 62A.9A-341 and 2000 c 250 s 9A-341 are each amended to read as follows:

Except as otherwise provided in RCW 62A.9A-340(c), and unless the bank otherwise agrees in ~~((an authenticated))~~ a signed record, a bank's rights and duties with respect to a deposit account maintained with the bank are not terminated, suspended, or modified by:

(1) The creation, attachment, or perfection of a security interest in the deposit account;

(2) The bank's knowledge of the security interest; or

(3) The bank's receipt of instructions from the secured party.

**Sec. 933.** RCW 62A.9A-404 and 2000 c 250 s 9A-404 are each amended to read as follows:

(a) **Assignee's rights subject to terms, claims, and defenses; exceptions.** Unless an

account debtor has made an enforceable agreement not to assert defenses or claims, and subject to subsections (b) through (e) of this section, the rights of an assignee are subject to:

(1) All terms of the agreement between the account debtor and assignor and any defense or claim in recoupment arising from the transaction that gave rise to the contract; and

(2) Any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives a notification of the assignment ~~((authenticated))~~ signed by the assignor or the assignee.

(b) **Account debtor's claim reduces amount owed to assignee.** Subject to subsection (c) of this section, and except as otherwise provided in subsection (d) of this section, the claim of an account debtor against an assignor may be asserted against an assignee under subsection (a) of this section only to reduce the amount the account debtor owes.

(c) **Rule for individual under other law.** This section is subject to law other than this Article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(d) **Omission of required statement in consumer transaction.** In a consumer transaction, if a record evidences the account debtor's obligation, law other than this Article requires that the record include a statement to the effect that the account debtor's recovery against an assignee with respect to claims and defenses paid by the account debtor under the record, and the record does not include such a statement, the extent to which a claim of an account debtor against the assignor may be asserted against an assignee is determined as if the record included such a statement.

(e) **Inapplicability to health-care-insurance receivable.** This section does not apply to an assignment of a health-care-insurance receivable.

**Sec. 934.** RCW 62A.9A-406 and 2011 c 74 s 301 are each amended to read as follows:

(a) **Discharge of account debtor; effect of notification.** Subject to subsections (b) through ~~((+j))~~ (l) of this section, an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, ~~((authenticated))~~ signed by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(b) **When notification ineffective.** Subject to subsections (h) and (l) of this section, notification is ineffective under subsection (a) of this section:

(1) If it does not reasonably identify the rights assigned;

(2) To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this Article; or

(3) At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(A) Only a portion of the account, chattel paper, or payment intangible has been assigned to that assignee;

(B) A portion has been assigned to another assignee; or

(C) The account debtor knows that the assignment to that assignee is limited.

(c) **Proof of assignment.** Subject to subsections (h) and (l) of this section, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (a) of this section.

(d) **Term restricting assignment generally ineffective.** In this subsection, "promissory note" includes a negotiable instrument that evidences chattel paper. Except as otherwise provided in subsections (e) and (k) of this section and RCW 62A.2A-303 and 62A.9A-407, and subject to subsections (h) and (j) of this section, a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(1) Prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or

(2) Provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note.

(e) **Inapplicability of subsection (d) of this section to certain sales.** Subsection (d) of this section does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under RCW 62A.9A-610 or an acceptance of collateral under RCW 62A.9A-620.

(f) [Reserved.]

(g) **Subsection (b)(3) of this section not waivable.** Subject to subsections (h) and (l) of this section, an account debtor may not waive or vary its option under subsection (b)(3) of this section.

(h) **Rule for individual under other law.** This section is subject to law other than this Article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(i) **Inapplicability to health-care-insurance receivable.** This section does not apply to an assignment of a health-care-insurance receivable.

(j)(1) **Inapplicability of subsection (d) of this section to certain transactions.** After July 1, 2003, subsection (d) of this section does not apply to the assignment or transfer of or creation of a security interest in:

(A) A claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. Sec. 104(a)(1) or (2); or

(B) A claim or right to receive benefits under a special needs trust as described in 42 U.S.C. Sec. 1396p(d)(4).

(2) This subsection will not affect a transfer of structured settlement payment rights under chapter 19.205 RCW.

(k) Inapplicability to interests in certain entities. Subsection (d) of this section does not apply to a security interest in an ownership interest in a general partnership, limited partnership, or limited liability company.

(l) Inapplicability of certain subsections. Subsections (a), (b), (c), and (g) of this section do not apply to a controllable account or controllable payment intangible.

**Sec. 935.** RCW 62A.9A-408 and 2011 c 74 s 302 are each amended to read as follows:

(a) **Term restricting assignment generally ineffective.** Except as otherwise provided in subsections (b) and (f) of this section, a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, and which term prohibits, restricts, or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable, or general intangible, is ineffective to the extent that the term:

(1) Would impair the creation, attachment, or perfection of a security interest; or

(2) Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(b) **Applicability of subsection (a) of this section to sales of certain rights to payment.** Subsection (a) of this section applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale pursuant to a disposition under RCW 62A.9A-610 or an acceptance of collateral under RCW 62A.9A-620.

(c) **Legal restrictions on assignment generally ineffective.** (A) Except as otherwise provided in subsection (f) of this

section, a rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable, or general intangible, including a contract, permit, license, or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute, or regulation:

(1) Would impair the creation, attachment, or perfection of a security interest; or

(2) Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(d) **Limitation on ineffectiveness under subsections (a) and (c) of this section.** To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection (c) of this section would be effective under law other than this Article but is ineffective under subsection (a) or (c) of this section, the creation, attachment, or perfection of a security interest in the promissory note, health-care-insurance receivable, or general intangible:

(1) Is not enforceable against the person obligated on the promissory note or the account debtor;

(2) Does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;

(3) Does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party, or accept payment or performance from the secured party;

(4) Does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable, or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable, or general intangible;

(5) Does not entitle the secured party to use, assign, possess, or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and

(6) Does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable, or general intangible.

(e)(1) **Inapplicability of subsections (a) and (c) of this section to certain payment intangibles.** After July 1, 2003, subsections (a) and (c) of this section do not apply to the assignment or transfer of or creation of a security interest in:

(A) A claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. Sec. 104(a)(1) or (2); or

(B) A claim or right to receive benefits under a special needs trust as described in 42 U.S.C. Sec. 1396p(d)(4).

(2) This subsection will not affect a transfer of structured settlement payment rights under chapter 19.205 RCW.

(f) **Inapplicability to interests in certain entities.** This section does not apply to a security interest in an ownership interest in a general partnership, limited partnership, or limited liability company.

(g) **"Promissory note."** In this section, "promissory note" includes a negotiable instrument that evidences chattel paper.

**Sec. 936.** RCW 62A.9A-509 and 2001 c 32 s 36 are each amended to read as follows:

(a) **Person entitled to file record.** A person may file an initial financing statement, amendment that adds collateral covered by a financing statement, or amendment that adds a debtor to a financing statement only if:

(1) The debtor authorizes the filing in ~~((an authenticated))~~ a signed record or pursuant to subsection (b) or (c) of this section; or

(2) The person holds an agricultural lien that has become effective at the time of filing and the financing statement covers only collateral in which the person holds an agricultural lien.

(b) **Security agreement as authorization.** By ~~((authenticating))~~ signing or becoming bound as debtor by a security agreement, a debtor or new debtor authorizes the filing of an initial financing statement, and an amendment, covering:

(1) The collateral described in the security agreement; and

(2) Property that becomes collateral under RCW 62A.9A-315(a)(2), whether or not the security agreement expressly covers proceeds.

(c) **Acquisition of collateral as authorization.** By acquiring collateral in which a security interest or agricultural lien continues under RCW 62A.9A-315(a)(1), a debtor authorizes the filing of an initial financing statement, and an amendment, covering the collateral and property that becomes collateral under RCW 62A.9A-315(a)(2).

(d) **Person entitled to file certain amendments.** A person may file an amendment other than an amendment that adds collateral covered by a financing statement or an amendment that adds a debtor to a financing statement only if:

(1) The secured party of record authorizes the filing; or

(2) The amendment is a termination statement for a financing statement as to which the secured party of record has failed to file or send a termination statement as required by RCW 62A.9A-513 (a) or (c), the debtor authorizes the filing, and the termination statement indicates that the debtor authorized it to be filed.

(e) **Multiple secured parties of record.** If there is more than one secured party of

record for a financing statement, each secured party of record may authorize the filing of an amendment under subsection (d) of this section.

**Sec. 937.** RCW 62A.9A-513 and 2001 c 32 s 37 are each amended to read as follows:

(a) **Consumer goods.** A secured party shall cause the secured party of record for a financing statement to file a termination statement for the financing statement if the financing statement covers consumer goods and:

(1) There is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or

(2) The debtor did not authorize the filing of the initial financing statement.

(b) **Time for compliance with subsection (a) of this section.** To comply with subsection (a) of this section, a secured party shall cause the secured party of record to file the termination statement:

(1) Within one month after there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or

(2) If earlier, within ~~((twenty))~~ 20 days after the secured party receives ~~((an authenticated))~~ a signed demand from a debtor.

(c) **Other collateral.** In cases not governed by subsection (a) of this section, within ~~((twenty))~~ 20 days after a secured party receives ~~((an authenticated))~~ a signed demand from a debtor, the secured party shall cause the secured party of record for a financing statement to send to the debtor a termination statement for the financing statement or file the termination statement in the filing office if:

(1) Except in the case of a financing statement covering accounts or chattel paper that has been sold or goods that are the subject of a consignment, there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value;

(2) The financing statement covers accounts or chattel paper that has been sold but as to which the account debtor or other person obligated has discharged its obligation;

(3) The financing statement covers goods that were the subject of a consignment to the debtor but are not in the debtor's possession; or

(4) The debtor did not authorize the filing of the initial financing statement.

(d) **Effect of filing termination statement.** Except as otherwise provided in RCW 62A.9A-510, upon the filing of a termination statement with the filing office, the financing statement to which the termination statement relates ceases to be effective. Except as otherwise provided in RCW 62A.9A-510, for purposes of RCW 62A.9A-519(g), 62A.9A-522(a), and 62A.9A-523(c), the filing with the filing office of a termination statement relating to a financing statement that indicates that

the debtor is a transmitting utility also causes the effectiveness of the financing statement to lapse.

**Sec. 938.** RCW 62A.9A-601 and 2012 c 214 s 1518 are each amended to read as follows:

(a) **Rights of secured party after default.** After default, a secured party has the rights provided in this part and, except as otherwise provided in RCW 62A.9A-602, those provided by agreement of the parties. A secured party:

(1) May reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure; and

(2) If the collateral is documents, may proceed either as to the documents or as to the goods they cover.

(b) **Rights and duties of secured party in possession or control.** A secured party in possession of collateral or control of collateral under RCW 62A.7-106, 62A.9A-104, 62A.9A-105, 62A.9A-106, or 62A.9A-107 or section 904 or 905 of this act has the rights and duties provided in RCW 62A.9A-207.

(c) **Rights cumulative; simultaneous exercise.** The rights under subsections (a) and (b) of this section are cumulative and may be exercised simultaneously.

(d) **Rights of debtor and obligor.** Except as otherwise provided in subsection (g) of this section and RCW 62A.9A-605, after default, a debtor and an obligor have the rights provided in this part and by agreement of the parties.

(e) **Lien of levy after judgment.** If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collateral by virtue of an execution based upon the judgment relates back to the earliest of:

(1) The date of perfection of the security interest or agricultural lien in the collateral;

(2) The date of filing a financing statement covering the collateral; or

(3) Any date specified in a statute under which the agricultural lien was created.

(f) **Execution sale.** A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this Article.

(g) **Consignor or buyer of certain rights to payment.** Except as otherwise provided in RCW 62A.9A-607(c), this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

(h) **Enforcement restrictions.** All rights and remedies provided in this part with respect to promissory notes or an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, are subject to RCW 62A.9A-408 to the extent applicable.

**Sec. 939.** RCW 62A.9A-605 and 2000 c 250 s 9A-605 are each amended to read as follows:

((A)) (a) In general: No duty owed by secured party. Except as provided in subsection (b) of this section, a secured party does not owe a duty based on its status as secured party:

(1) To a person that is a debtor or obligor, unless the secured party knows:

(A) That the person is a debtor or obligor;

(B) The identity of the person; and

(C) How to communicate with the person; or

(2) To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

(A) That the person is a debtor; and

(B) The identity of the person.

(b) Exception: Secured party owes duty to debtor or obligor. A secured party owes a duty based on its status as a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:

(1) The person is a debtor or obligor; and

(2) The secured party knows that the information in subsection (a)(1)(A), (B), or (C) of this section relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral, or the system in which the collateral is recorded.

**Sec. 940.** RCW 62A.9A-608 and 2001 c 32 s 41 are each amended to read as follows:

**(a) Application of proceeds, surplus, and deficiency if obligation secured.** If a security interest or agricultural lien secures payment or performance of an obligation, the following rules apply:

(1) A secured party shall apply or pay over for application the cash proceeds of collection or enforcement under RCW 62A.9A-607 in the following order to:

(A) The reasonable expenses of collection and enforcement and, to the extent provided for by agreement and not prohibited by law, reasonable attorneys' fees and legal expenses incurred by the secured party;

(B) The satisfaction of obligations secured by the security interest or agricultural lien under which the collection or enforcement is made; and

(C) The satisfaction of obligations secured by any subordinate security interest in or other lien on the collateral subject to the security interest or agricultural lien under which the collection or enforcement is made if the secured party receives ~~((an authenticated))~~ a signed demand for proceeds before distribution of the proceeds is completed.

(2) If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder complies, the secured party need not comply with the

holder's demand under (1)(C) of this subsection.

(3) A secured party need not apply or pay over for application noncash proceeds of collection and enforcement under RCW 62A.9A-607 unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(4) A secured party shall account to and pay a debtor for any surplus, and the obligor is liable for any deficiency.

**(b) No surplus or deficiency in sales of certain rights to payment.** If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes, the debtor is not entitled to any surplus, and the obligor is not liable for any deficiency.

**Sec. 941.** RCW 62A.9A-611 and 2011 c 74 s 724 are each amended to read as follows:

**(a) "Notification date."** In this section, "notification date" means the earlier of the date on which:

(1) A secured party sends to the debtor and any secondary obligor an ~~((authenticated))~~ a signed notification of disposition; or

(2) The debtor and any secondary obligor waive the right to notification.

**(b) Notification of disposition required.** Except as otherwise provided in subsection (d) of this section, a secured party that disposes of collateral under RCW 62A.9A-610 shall send to the persons specified in subsection (c) of this section a reasonable ~~((authenticated))~~ signed notification of disposition.

**(c) Persons to be notified.** To comply with subsection (b) of this section, the secured party shall send ~~((an authenticated))~~ a signed notification of disposition to:

(1) The debtor;

(2) Any secondary obligor; and

(3) If the collateral is other than consumer goods:

(A) Any other secured party or lienholder that, ~~((then))~~ 10 days before the notification date, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

(i) Identified the collateral;

(ii) Was indexed under the debtor's name as of that date; and

(iii) Was filed in the office in which to file a financing statement against the debtor covering the collateral as of that date; and

(B) Any other secured party that, ~~((then))~~ 10 days before the notification date, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in RCW 62A.9A-311(a).

**(d) Subsection (b) of this section inapplicable: Perishable collateral; recognized market.** Subsection (b) of this section does not apply if the collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market.

(e) **Compliance with subsection (c) (3) (A) of this section.** A secured party complies with the requirement for notification prescribed by subsection (c) (3) (A) of this section if:

(1) Not later than ~~((twenty))~~ 20 days or earlier than ~~((thirty))~~ 30 days before the notification date, the secured party requests, in a commercially reasonable manner, information concerning financing statements indexed under the debtor's name in the office indicated in subsection (c) (3) (A) of this section; and

(2) Before the notification date, the secured party:

(A) Did not receive a response to the request for information; or

(B) Received a response to the request for information and sent ~~((an authenticated))~~ a signed notification of disposition to each secured party or other lienholder named in that response whose financing statement covered the collateral.

**Sec. 942.** RCW 62A.9A-613 and 2001 c 32 s 42 are each amended to read as follows:

(a) **Contents and form of notification.** Except in a consumer-goods transaction, the following rules apply:

(1) The contents of a notification of disposition are sufficient if the notification:

(A) Describes the debtor and the secured party;

(B) Describes the collateral that is the subject of the intended disposition;

(C) States the method of intended disposition;

(D) States that the debtor is entitled to an accounting of the unpaid indebtedness and states the charge, if any, for an accounting; and

(E) States the time and place of a public disposition or the time after which any other disposition is to be made.

(2) Whether the contents of a notification that lacks any of the information specified in subsection (1) of this section are nevertheless sufficient is a question of fact.

(3) The contents of a notification providing substantially the information specified in subsection (1) of this section are sufficient, even if the notification includes:

(A) Information not specified by subsection (1) of this section; or

(B) Minor errors that are not seriously misleading.

(4) A particular phrasing of the notification is not required.

(5) The following form of notification and the form appearing in RCW 62A.9A-614(a) (3), when completed in accordance with the instructions in subsection (b) of this section and RCW 62A.9A-614(b), each provides sufficient information:

**NOTIFICATION OF DISPOSITION  
OF COLLATERAL**

~~((To: \_\_\_\_\_ [Name of debtor, obligor, or other person to which the notification is sent] \_\_\_\_\_~~

~~From: \_\_\_\_\_ [Name, address, and telephone number of secured party] \_\_\_\_\_~~

~~Name of Debtor(s): \_\_\_\_\_ [Include only if debtor(s) are not an addressee] \_\_\_\_\_~~

~~[For a public disposition:]~~

~~We will sell [or lease or license, as applicable] the \_\_\_\_\_ [describe collateral] \_\_\_\_\_ [to the highest qualified bidder] in public as follows:~~

~~Day and Date: \_\_\_\_\_~~

~~Time: \_\_\_\_\_~~

~~Place: \_\_\_\_\_~~

~~[For a private disposition:]~~

~~We will sell [or lease or license, as applicable] the \_\_\_\_\_ [describe collateral] \_\_\_\_\_ privately sometime after \_\_\_\_\_ [day and date] \_\_\_\_\_.~~

~~You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell [or lease or license, as applicable] [for a charge of \$ \_\_\_\_\_]. You may request an accounting by calling us at \_\_\_\_\_ [telephone number] \_\_\_\_\_.)~~

~~To: \_\_\_\_\_ (Name of debtor, obligor, or other person to which the notification is sent) \_\_\_\_\_~~

~~From: \_\_\_\_\_ (Name, address, and telephone number of secured party) \_\_\_\_\_~~

~~{1} Name of any debtor that is not an addressee: (Name of each debtor) \_\_\_\_\_~~

~~{2} We will sell (describe collateral) (to the highest qualified bidder) at public sale. A sale could include a lease or license. The sale will be held as follows:~~

~~(Date)~~

~~(Time)~~

~~(Place)~~

~~{3} We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.~~

~~{4} You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell or, as applicable, lease or license.~~

~~{5} If you request an accounting you must pay a charge of \$(amount).~~

~~{6} You may request an accounting by calling us at (telephone number).~~

**[End of Form]**

~~(b) **Instructions for form of notification.** The following instructions apply to the form of notification in subsection (a) (5) of this section:~~

~~{1} The instructions in this subsection refer to the numbers in braces before items in the form of notification in subsection (a) (5) of this section. Do not include the numbers or braces in the notification. The numbers and braces are used only for the purpose of these instructions.~~

~~{2} Include and complete item {1} only if there is a debtor that is not an addressee of the notification and list the name or names.~~

~~{3} Include and complete either item {2}, if the notification relates to a public disposition of the collateral, or item {3}, if the notification relates to a private disposition of the collateral. If item {2} is included, include the words "to the highest qualified bidder" only if applicable.~~

~~{4} Include and complete items {4} and {6}.~~

~~{5} Include and complete item {5} only if the sender will charge the recipient for an accounting.~~

Sec. 943. RCW 62A.9A-614 and 2000 c 250 s 9A-614 are each amended to read as follows:

(a) Contents and form of notification. In a consumer-goods transaction, the following rules apply:

(1) A notification of disposition must provide the following information:

(A) The information specified in RCW 62A.9A-613(a)(1);

(B) A description of any liability for a deficiency of the person to which the notification is sent;

(C) A telephone number from which the amount that must be paid to the secured party to redeem the collateral under RCW 62A.9A-623 is available; and

(D) A telephone number or mailing address from which additional information concerning the disposition and the obligation secured is available.

(2) A particular phrasing of the notification is not required.

(3) The following form of notification, when completed in accordance with the instructions in subsection (b) of this section, provides sufficient information:

([Name and address of secured party] [Date])

NOTICE OF OUR PLAN TO SELL PROPERTY

[Name and address of any obligor who is also a debtor]

Subject: [Identification of Transaction]

We have your [describe collateral] because you broke promises in our agreement.

[For a public disposition:]

We will sell [describe collateral] at public sale. A sale could include a lease or license. The sale will be held as follows:

Date: [ ]

Time: [ ]

Place: [ ]

You may attend the sale and bring bidders if you want.

[For a private disposition:]

We will sell [describe collateral] at private sale sometime after [date]. A sale could include a lease or license.

The money that we get from the sale (after paying our costs) will reduce the amount you owe. If we get less money than you owe, you [will or will not, as applicable] still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

You can get the property back at any time before we sell it by paying us the full amount you owe (not just the past due payments), including our expenses. To learn the exact amount you must pay, call us at [telephone number].

If you want us to explain to you in writing how we have figured the amount that you owe us, you may call us at [telephone number] [or write us at [secured party's address]] and request a written explanation. [We will charge you \$ [ ] for the explanation if we sent you another written explanation of the amount you owe us within the last six months.]

If you need more information about the sale call us at [telephone number] [or write us at [secured party's address]].

We are sending this notice to the following other people who have an interest in [describe collateral] or who owe money under your agreement:

[Names of all other debtors and obligors, if any]

(Name and address of secured party)

(Date)

NOTICE OF OUR PLAN TO SELL PROPERTY

(Name and address of any obligor who is also a debtor)

Subject: (Identify transaction)

We have your (describe collateral) because you broke promises in our agreement.

{1} We will sell (describe collateral) at public sale. A sale could include a lease or license. The sale will be held as follows:

(Date)

(Time)

(Place)

You may attend the sale and bring bidders if you want.

{2} We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.

{3} The money that we get from the sale, after paying our costs, will reduce the amount you owe. If we get less money than you owe, you (will or will not, as applicable) still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

{4} You can get the property back at any time before we sell it by paying us the full amount you owe, not just the past due payments, including our expenses. To learn the exact amount you must pay, call us at (telephone number).

{5} If you want us to explain to you in (writing) (writing or in (description of electronic record)) (description of electronic record) how we have figured the amount that you owe us, {6} call us at (telephone number) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)) {7} and request (a written explanation) (a written explanation or an explanation in (description of electronic record)) (an explanation in (description of electronic record)).

{8} We will charge you \$ (amount) for the explanation if we sent you another written explanation of the amount you owe us within the last six months.

{9} If you need more information about the sale (call us at (telephone number)) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)).

{10} We are sending this notice to the following other people who have an interest in (describe collateral) or who owe money under your agreement:

(Names of all other debtors and obligors, if any)

[End of Form]

(b) Instructions for form of notification. The following instructions apply to the form of notification in subsection (a)(3) of this section:

(1) The instructions in this subsection refer to the numbers in braces before items in the form of notification in subsection (a)(3) of this section. Do not include the numbers or braces in the notification. The numbers and braces are used only for the purpose of these instructions.

(2) Include and complete either item {1}, if the notification relates to a public disposition of the collateral, or item {2}, if the notification relates to a private disposition of the collateral.

(3) Include and complete items {3}, {4}, {5}, {6}, and {7}.

(4) In item {5}, include and complete any one of the three alternative methods for the explanation—writing, writing or electronic record, or electronic record.

(5) In item {6}, include the telephone number. In addition, the sender may include and complete either or both of the two additional alternative methods of communication—writing or electronic communication—for the recipient of the notification to communicate with the sender. Neither of the two additional methods of communication is required to be included.

(6) In item {7}, include and complete the method or methods for the explanation—writing, writing or electronic record, or electronic record—included in item {5}.

(7) Include and complete item {8} only if a written explanation is included in item {5} as a method for communicating the explanation and the sender will charge the recipient for another written explanation.

(8) In item {9}, include either the telephone number or the address or both the telephone number and the address. In addition, the sender may include and complete the additional method of communication—electronic communication—for the recipient of the notification to communicate with the sender. The additional method of electronic communication is not required to be included.

(9) If item {10} does not apply, insert "None" after "agreement:".

((+4)) (c) (1) A notification in the form of ((+subsection)) subsection (a)(3) of this section is sufficient, even if additional information appears at the end of the form.

((+5)) (2) A notification in the form of ((+subsection)) subsection (a)(3) of this section is sufficient, even if it includes errors in information not required by ((+subsection)) subsection (a)(1) of this section, unless the error is misleading with respect to rights arising under this Article.

((+6)) (3) If a notification under this section is not in the form of ((+subsection)) subsection (a)(3) of this section, law other than this Article determines the effect of including information not required by ((+subsection)) subsection (a)(1) of this section.

**Sec. 944.** RCW 62A.9A-615 and 2001 c 32 s 43 are each amended to read as follows:

(a) **Application of proceeds.** A secured party shall apply or pay over for application the cash proceeds of disposition under RCW 62A.9A-610 in the following order to:

(1) The reasonable expenses of retaking, holding, preparing for disposition, processing, and disposing, and, to the extent provided for by agreement and not prohibited by law, reasonable attorneys' fees and legal expenses incurred by the secured party;

(2) The satisfaction of obligations secured by the security interest or agricultural lien under which the disposition is made;

(3) The satisfaction of obligations secured by any subordinate security interest in or other subordinate lien on the collateral if:

(A) The secured party receives from the holder of the subordinate security interest or other lien ((an authenticated)) a signed demand for proceeds before distribution of the proceeds is completed; and

(B) In a case in which a consignor has an interest in the collateral, the subordinate security interest or other lien is senior to the interest of the consignor; and

(4) A secured party that is a consignor of the collateral if the secured party receives from the consignor ((an authenticated)) a signed demand for proceeds before distribution of the proceeds is completed.

(b) **Proof of subordinate interest.** If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder does so, the secured party need not comply with the holder's demand under subsection (a)(3) of this section.

(c) **Application of noncash proceeds.** A secured party need not apply or pay over for application noncash proceeds of disposition under RCW 62A.9A-610 unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(d) **Surplus or deficiency if obligation secured.** If the security interest under which a disposition is made secures payment or performance of an obligation, after making the payments and applications required by subsection (a) of this section and permitted by subsection (c) of this section:

(1) Unless subsection (a)(4) of this section requires the secured party to apply or pay over cash proceeds to a consignor, the secured party shall account to and pay a debtor for any surplus; and

(2) The obligor is liable for any deficiency.

(e) **No surplus or deficiency in sales of certain rights to payment.** If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes:

(1) The debtor is not entitled to any surplus; and



(2) The obligor is not liable for any deficiency.

(f) [Reserved.]

(g) **Cash proceeds received by junior secured party.** A secured party that receives cash proceeds of a disposition in good faith and without knowledge that the receipt violates the rights of the holder of a security interest or other lien that is not subordinate to the security interest or agricultural lien under which the disposition is made:

(1) Takes the cash proceeds free of the security interest or other lien;

(2) Is not obligated to apply the proceeds of the disposition to the satisfaction of obligations secured by the security interest or other lien; and

(3) Is not obligated to account to or pay the holder of the security interest or other lien for any surplus.

**Sec. 945.** RCW 62A.9A-616 and 2000 c 250 s 9A-616 are each amended to read as follows:

(a) **Definitions.** In this section:

(1) "Explanation" means a ~~(writing)~~ record that:

(A) States the amount of the surplus or deficiency;

(B) Provides an explanation in accordance with subsection (c) of this section of how the secured party calculated the surplus or deficiency;

(C) States, if applicable, that future debits, credits, charges, including additional credit service charges or interest, rebates, and expenses may affect the amount of the surplus or deficiency; and

(D) Provides a telephone number or mailing address from which additional information concerning the transaction is available.

(2) "Request" means a record:

(A) ~~((Authenticated))~~ Signed by a debtor or consumer obligor;

(B) Requesting that the recipient provide an explanation; and

(C) Sent after disposition of the collateral under RCW 62A.9A-610.

(b) **Explanation of calculation.** In a consumer-goods transaction in which the debtor is entitled to a surplus or a consumer obligor is liable for a deficiency under RCW 62A.9A-615, the secured party shall:

(1) Send an explanation to the debtor or consumer obligor, as applicable, after the disposition and:

(A) Before or when the secured party accounts to the debtor and pays any surplus or first makes ~~((written))~~ demand in a record on the consumer obligor after the disposition for payment of the deficiency; and

(B) Within ~~((fourteen))~~ 14 days after receipt of a request; or

(2) In the case of a consumer obligor who is liable for a deficiency, within ~~((fourteen))~~ 14 days after receipt of a request, send to the consumer obligor a record waiving the secured party's right to a deficiency.

(c) **Required information.** To comply with subsection (a)(1)(B) of this section, ~~((a~~

~~writing))~~ an explanation must provide the following information in the following order:

(1) The aggregate amount of obligations secured by the security interest under which the disposition was made, and, if the amount reflects a rebate of unearned interest or credit service charge, an indication of that fact, calculated as of a specified date:

(A) If the secured party takes or receives possession of the collateral after default, not more than thirty-five days before the secured party takes or receives possession; or

(B) If the secured party takes or receives possession of the collateral before default or does not take possession of the collateral, not more than thirty-five days before the disposition;

(2) The amount of proceeds of the disposition;

(3) The aggregate amount of the obligations after deducting the amount of proceeds;

(4) The amount, in the aggregate or by type, and types of expenses, including expenses of retaking, holding, preparing for disposition, processing, and disposing of the collateral, and attorneys' fees secured by the collateral which are known to the secured party and relate to the current disposition;

(5) The amount, in the aggregate or by type, and types of credits, including rebates of interest or credit service charges, to which the obligor is known to be entitled and which are not reflected in the amount in (1) of this subsection; and

(6) The amount of the surplus or deficiency.

(d) **Substantial compliance.** A particular phrasing of the explanation is not required. An explanation complying substantially with the requirements of subsection (a) of this section is sufficient, even if it includes minor errors that are not seriously misleading.

(e) **Charges for responses.** A debtor or consumer obligor is entitled without charge to one response to a request under this section during any six-month period in which the secured party did not send to the debtor or consumer obligor an explanation pursuant to subsection (b)(1) of this section. The secured party may require payment of a charge not exceeding twenty-five dollars for each additional response.

**Sec. 946.** RCW 62A.9A-619 and 2000 c 250 s 9A-619 are each amended to read as follows:

(a) **"Transfer statement."** In this section, "transfer statement" means a record ~~((authenticated))~~ signed by a secured party stating:

(1) That the debtor has defaulted in connection with an obligation secured by specified collateral;

(2) That the secured party has exercised its post-default remedies with respect to the collateral;

(3) That, by reason of the exercise, a transferee has acquired the rights of the debtor in the collateral; and

(4) The name and mailing address of the secured party, debtor, and transferee.

(b) **Effect of transfer statement.** A transfer statement entitles the transferee to the transfer of record of all rights of the debtor in the collateral specified in the statement in any official filing, recording, registration, or certificate-of-title system covering the collateral. If a transfer statement is presented with the applicable fee and request form to the official or office responsible for maintaining the system, the official or office shall:

(1) Accept the transfer statement;

(2) Promptly amend its records to reflect the transfer; and

(3) If applicable, issue a new appropriate certificate of title in the name of the transferee.

(c) **Transfer not a disposition; no relief of secured party's duties.** A transfer of the record or legal title to collateral to a secured party under subsection (b) of this section or otherwise is not of itself a disposition of collateral under this Article and does not of itself relieve the secured party of its duties under this Article.

**Sec. 947.** RCW 62A.9A-620 and 2000 c 250 s 9A-620 are each amended to read as follows:

(a) **Conditions to acceptance in satisfaction.** A secured party may accept collateral in full or partial satisfaction of the obligation it secures only if:

(1) The debtor consents to the acceptance under subsection (c) of this section;

(2) The secured party does not receive, within the time set forth in subsection (d) of this section, a notification of objection to the proposal ((authenticated))signed by:

(A) A person to which the secured party was required to send a proposal under RCW 62A.9A-621; or

(B) Any other person, other than the debtor, holding an interest in the collateral subordinate to the security interest that is the subject of the proposal; and

(3) Subsection (e) of this section does not require the secured party to dispose of the collateral or the debtor waives the requirement pursuant to RCW 62A.9A-624.

(b) **Purported acceptance ineffective.** A purported or apparent acceptance of collateral under this section is ineffective unless:

(1) The secured party consents to the acceptance in ((an authenticated))a signed record or sends a proposal to the debtor; and

(2) The conditions of subsection (a) of this section are met.

(c) **Debtor's consent.** For purposes of this section:

(1) A debtor consents to an acceptance of collateral in partial satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record ((authenticated))signed after default; and

(2) A debtor consents to an acceptance of collateral in full satisfaction of the obligation it secures only if the debtor

agrees to the terms of the acceptance in a record ((authenticated))signed after default or the secured party:

(A) Sends to the debtor after default a proposal that is unconditional or subject only to a condition that collateral not in the possession of the secured party be preserved or maintained;

(B) In the proposal, proposes to accept collateral in full satisfaction of the obligation it secures; and

(C) Does not receive a notification of objection ((authenticated))signed by the debtor within ((twenty))20 days after the proposal is sent.

(d) **Effectiveness of notification.** To be effective under subsection (a)(2) of this section, a notification of objection must be received by the secured party:

(1) In the case of a person to which the proposal was sent pursuant to RCW 62A.9A-621, within ((twenty))20 days after notification was sent to that person; and

(2) In other cases:

(A) Within ((twenty))20 days after the last notification was sent pursuant to RCW 62A.9A-621; or

(B) If a notification was not sent, before the debtor consents to the acceptance under subsection (c) of this section.

(e) **Mandatory disposition of consumer goods.** A secured party that has taken possession of collateral shall dispose of the collateral pursuant to RCW 62A.9A-610 within the time specified in subsection (f) of this section if:

(1) Sixty percent of the cash price has been paid in the case of a purchase-money security interest in consumer goods; or

(2) Sixty percent of the principal amount of the obligation secured has been paid in the case of a nonpurchase-money security interest in consumer goods.

(f) **Compliance with mandatory disposition requirement.** To comply with subsection (e) of this section, the secured party shall dispose of the collateral:

(1) Within ninety days after taking possession; or

(2) Within any longer period to which the debtor and all secondary obligors have agreed in an agreement to that effect entered into and ((authenticated))signed after default.

**Sec. 948.** RCW 62A.9A-621 and 2011 c 74 s 725 are each amended to read as follows:

(a) **Persons to which proposal to be sent.** A secured party that desires to accept collateral in full or partial satisfaction of the obligation it secures shall send its proposal to:

(1) Any other secured party or lienholder that, ((ten))10 days before the debtor consented to the acceptance, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

(A) Identified the collateral;

(B) Was indexed under the debtor's name as of that date; and

(C) Was filed in the office or offices in which to file a financing statement against the debtor covering the collateral as of that date; and

(2) Any other secured party that, ~~((ten))~~ 10 days before the debtor consented to the acceptance, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in RCW 62A.9A-311(a).

(b) **Proposal to be sent to secondary obligor in partial satisfaction.** A secured party that desires to accept collateral in partial satisfaction of the obligation it secures shall send its proposal to any secondary obligor in addition to the persons described in subsection (a) of this section.

**Sec. 949.** RCW 62A.9A-624 and 2000 c 250 s 9A-624 are each amended to read as follows:

(a) **Waiver of disposition notification.** A debtor may waive the right to notification of disposition of collateral under RCW 62A.9A-611 only by an agreement to that effect entered into and ~~((authenticated))~~ signed after default.

(b) **Waiver of mandatory disposition.** A debtor may waive the right to require disposition of collateral under RCW 62A.9A-620(e) only by an agreement to that effect entered into and ~~((authenticated))~~ signed after default.

(c) **Waiver of redemption right.** Except in a consumer-goods transaction, a debtor or secondary obligor may waive the right to redeem collateral under RCW 62A.9A-623 only by an agreement to that effect entered into and ~~((authenticated))~~ signed after default.

**Sec. 950.** RCW 62A.9A-628 and 2011 c 74 s 727 are each amended to read as follows:

(a) **Limitation of liability of secured party for noncompliance with article.** ~~((Unless))~~ Subject to subsection (f) of this section, unless a secured party knows that a person is a debtor or obligor, knows the identity of the person, and knows how to communicate with the person:

(1) The secured party is not liable to the person, or to a secured party or lienholder that has filed a financing statement against the person, for failure to comply with this Article; and

(2) The secured party's failure to comply with this Article does not affect the liability of the person for a deficiency.

(b) **Limitation of liability based on status as secured party.** ~~((A))~~ Subject to subsection (f) of this section, a secured party is not liable because of its status as secured party:

(1) To a person that is a debtor or obligor, unless the secured party knows:

(A) That the person is a debtor or obligor;

(B) The identity of the person; and

(C) How to communicate with the person; or

(2) To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

(A) That the person is a debtor; and

(B) The identity of the person.

(c) **Limitation of liability if reasonable belief that transaction not a consumer-goods transaction or consumer transaction.** A secured party is not liable to any person, and a person's liability for a deficiency is

not affected, because of any act or omission arising out of the secured party's reasonable belief that a transaction is not a consumer-goods transaction or a consumer transaction or that goods are not consumer goods, if the secured party's belief is based on its reasonable reliance on:

(1) A debtor's representation concerning the purpose for which collateral was to be used, acquired, or held; or

(2) An obligor's representation concerning the purpose for which a secured obligation was incurred.

(d) **Limitation of liability for statutory damages.** A secured party is not liable to any person under RCW 62A.9A-625(c)(2) for its failure to comply with RCW 62A.9A-616.

(e) **Limitation of multiple liability for statutory damages.** A secured party is not liable under RCW 62A.9A-625(c)(2) more than once with respect to any one secured obligation.

(f) **Exception: Limitation of liability under subsections (a) and (b) of this section does not apply.** Subsections (a) and (b) of this section do not apply to limit the liability of a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:

(1) The person is a debtor or obligor; and

(2) The secured party knows that the information in subsection (b)(1)(A), (B), or (C) of this section relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral, or the system in which the collateral is recorded.

**PART X  
ARTICLE 12  
CONTROLLABLE ELECTRONIC RECORDS**

NEW SECTION. **Sec. 1001.** SECTION 12-101: TITLE. This Article may be cited as uniform commercial code—controllable electronic records.

NEW SECTION. **Sec. 1002.** SECTION 12-102: DEFINITIONS. (a) **Article 12 definitions.** In this Article:

(1) "Controllable electronic record" means a record stored in an electronic medium that can be subjected to control under section 1005 of this act. The term does not include a controllable account, a controllable payment intangible, a deposit account, an electronic copy of a record evidencing chattel paper, an electronic document of title, electronic money, investment property, or a transferable record.

(2) "Qualifying purchaser" means a purchaser of a controllable electronic record or an interest in a controllable electronic record that obtains control of the controllable electronic record for value, in good faith, and without notice of a claim of a property right in the controllable electronic record.

(3) "Transferable record" has the meaning provided for that term in:

(A) Section 201(a)(1) of the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7021(a)(1); or

(B) RCW 1.80.150(1).

(4) "Value" has the meaning provided in RCW 62A.3-303(a), as if references in that subsection to an "instrument" were references to a controllable account, controllable electronic record, or controllable payment intangible.

(b) **Definitions in Article 9A.** The definitions in Article 9A of this title of "account debtor," "controllable account," "controllable payment intangible," "chattel paper," "deposit account," "electronic money," and "investment property" apply to this Article.

(c) **Article 1 definitions and principles.** Article 1 of this title contains general definitions and principles of construction and interpretation applicable throughout this Article.

**NEW SECTION. Sec. 1003. SECTION 12-103: RELATION TO ARTICLE 9 AND CONSUMER LAWS.** (a) **Article 9A governs in case of conflict.** If there is conflict between this Article and Article 9A of this title, Article 9A of this title governs.

(b) **Applicable consumer law and other laws.** A transaction subject to this Article is subject to any applicable rule of law that establishes a different rule for consumers and chapter 19.86 RCW.

**NEW SECTION. Sec. 1004. SECTION 12-104: RIGHTS IN CONTROLLABLE ACCOUNT, CONTROLLABLE ELECTRONIC RECORD, AND CONTROLLABLE PAYMENT INTANGIBLE.** (a)

**Applicability of section to controllable account and controllable payment intangible.** This section applies to the acquisition and purchase of rights in a controllable account or controllable payment intangible, including the rights and benefits under subsections (c), (d), (e), (g), and (h) of this section of a purchaser and qualifying purchaser, in the same manner this section applies to a controllable electronic record.

(b) **Control of controllable account and controllable payment intangible.** To determine whether a purchaser of a controllable account or a controllable payment intangible is a qualifying purchaser, the purchaser obtains control of the account or payment intangible if it obtains control of the controllable electronic record that evidences the account or payment intangible.

(c) **Applicability of other law to acquisition of rights.** Except as provided in this section, law other than this Article determines whether a person acquires a right in a controllable electronic record and the right the person acquires.

(d) **Shelter principle and purchase of limited interest.** A purchaser of a controllable electronic record acquires all rights in the controllable electronic record that the transferor had or had power to transfer, except that a purchaser of a limited interest in a controllable

electronic record acquires rights only to the extent of the interest purchased.

(e) **Rights of qualifying purchaser.** A qualifying purchaser acquires its rights in the controllable electronic record free of a claim of a property right in the controllable electronic record.

(f) **Limitation of rights of qualifying purchaser in other property.** Except as provided in subsections (a) and (e) of this section for a controllable account and a controllable payment intangible or law other than this Article, a qualifying purchaser takes a right to payment, right to performance, or other interest in property evidenced by the controllable electronic record subject to a claim of a property right in the right to payment, right to performance, or other interest in property.

(g) **No-action protection for qualifying purchaser.** An action may not be asserted against a qualifying purchaser based on both a purchase by the qualifying purchaser of a controllable electronic record and a claim of a property right in another controllable electronic record, whether the action is framed in conversion, replevin, constructive trust, equitable lien, or other theory.

(h) **Filing not notice.** Filing of a financing statement under Article 9A of this title is not notice of a claim of a property right in a controllable electronic record.

**NEW SECTION. Sec. 1005. SECTION 12-105: CONTROL OF CONTROLLABLE ELECTRONIC RECORD.** (a) **General rule: Control of controllable electronic record.** A person has control of a controllable electronic record if the electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded:

(1) Gives the person:

(A) Power to avail itself of substantially all the benefit from the electronic record; and

(B) Exclusive power, subject to subsection (b) of this section, to:

(i) Prevent others from availing themselves of substantially all the benefit from the electronic record; and

(ii) Transfer control of the electronic record to another person or cause another person to obtain control of another controllable electronic record as a result of the transfer of the electronic record; and

(2) Enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers specified in (1) of this subsection.

(b) **Meaning of exclusive.** Subject to subsection (c) of this section, a power is exclusive under subsection (a)(1)(B)(i) and (ii) of this section even if:

(1) The controllable electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded limits the use of the electronic record or has a protocol programmed to cause a change, including a transfer or loss of control or a modification of benefits afforded by the electronic record; or

(2) The power is shared with another person.

(c) **When power not shared with another person.** A power of a person is not shared with another person under subsection (b)(2) of this section and the person's power is not exclusive if:

(1) The person can exercise the power only if the power also is exercised by the other person; and

(2) The other person:

(A) Can exercise the power without exercise of the power by the person; or

(B) Is the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record.

(d) **Presumption of exclusivity of certain powers.** If a person has the powers specified in subsection (a)(1)(B)(i) and (ii) of this section, the powers are presumed to be exclusive.

(e) **Control through another person.** A person has control of a controllable electronic record if another person, other than the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record:

(1) Has control of the electronic record and acknowledges that it has control on behalf of the person; or

(2) Obtains control of the electronic record after having acknowledged that it will obtain control of the electronic record on behalf of the person.

(f) **No requirement to acknowledge.** A person that has control under this section is not required to acknowledge that it has control on behalf of another person.

(g) **No duties or confirmation.** If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this Article or Article 9A of this title otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

**NEW SECTION. Sec. 1006. SECTION 12-106: DISCHARGE OF ACCOUNT DEBTOR ON CONTROLLABLE ACCOUNT OR CONTROLLABLE PAYMENT INTANGIBLE.** (a) **Discharge of account debtor.** An account debtor on a controllable account or controllable payment intangible may discharge its obligation by paying:

(1) The person having control of the controllable electronic record that evidences the controllable account or controllable payment intangible; or

(2) Except as provided in subsection (b) of this section, a person that formerly had control of the controllable electronic record.

(b) **Content and effect of notification.** Subject to subsection (d) of this section, the account debtor may not discharge its obligation by paying a person that formerly had control of the controllable electronic record if the account debtor receives a notification that:

(1) Is signed by a person that formerly had control or the person to which control was transferred;

(2) Reasonably identifies the controllable account or controllable payment intangible;

(3) Notifies the account debtor that control of the controllable electronic record that evidences the controllable account or controllable payment intangible was transferred;

(4) Identifies the transferee, in any reasonable way, including by name, identifying number, cryptographic key, office, or account number; and

(5) Provides a commercially reasonable method by which the account debtor is to pay the transferee.

(c) **Discharge following effective notification.** After receipt of a notification that complies with subsection (b) of this section, the account debtor may discharge its obligation by paying in accordance with the notification and may not discharge the obligation by paying a person that formerly had control.

(d) **When notification ineffective.** Subject to subsection (h) of this section, notification is ineffective under subsection (b) of this section:

(1) Unless, before the notification is sent, the account debtor and the person that, at that time, had control of the controllable electronic record that evidences the controllable account or controllable payment intangible agree in a signed record to a commercially reasonable method by which a person may furnish reasonable proof that control has been transferred;

(2) To the extent an agreement between the account debtor and seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this Article; or

(3) At the option of the account debtor, if the notification notifies the account debtor to:

(A) Divide a payment;

(B) Make less than the full amount of an installment or other periodic payment; or

(C) Pay any part of a payment by more than one method or to more than one person.

(e) **Proof of transfer of control.** Subject to subsection (h) of this section, if requested by the account debtor, the person giving the notification under subsection (b) of this section seasonably shall furnish reasonable proof, using the method in the agreement referred to in subsection (d)(1) of this section, that control of the controllable electronic record has been transferred. Unless the person complies with the request, the account debtor may discharge its obligation by paying a person that formerly had control, even if the account debtor has received a notification under subsection (b) of this section.

(f) **What constitutes reasonable proof.** A person furnishes reasonable proof under subsection (e) of this section that control has been transferred if the person demonstrates, using the method in the agreement referred to in subsection (d)(1)

of this section, that the transferee has the power to:

(1) Avail itself of substantially all the benefit from the controllable electronic record;

(2) Prevent others from availing themselves of substantially all the benefit from the controllable electronic record; and

(3) Transfer the powers specified in (1) and (2) of this subsection to another person.

(g) **Rights not waivable.** Subject to subsection (h) of this section, an account debtor may not waive or vary its rights under subsections (d)(1) and (e) of this section or its option under subsection (d)(3) of this section.

(h) **Rule for individual under other law.** This section is subject to law other than this Article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

NEW SECTION. **Sec. 1007.** SECTION 12-107: GOVERNING LAW. (a) **Governing law: General rule.** Except as provided in subsection (b) of this section, the local law of a controllable electronic record's jurisdiction governs a matter covered by this Article.

(b) **Governing law: Section 1006 of this act.** For a controllable electronic record that evidences a controllable account or controllable payment intangible, the local law of the controllable electronic record's jurisdiction governs a matter covered by section 1006 of this act unless an effective agreement determines that the local law of another jurisdiction governs.

(c) **Controllable electronic record's jurisdiction.** The following rules determine a controllable electronic record's jurisdiction under this section:

(1) If the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this Article or this title, that jurisdiction is the controllable electronic record's jurisdiction.

(2) If (1) of this subsection does not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this Article or this title, that jurisdiction is the controllable electronic record's jurisdiction.

(3) If (1) and (2) of this subsection do not apply and the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that the controllable electronic record is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(4) If (1), (2), and (3) of this subsection do not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that the controllable electronic record or the system is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(5) If (1) through (4) of this subsection do not apply, the controllable electronic record's jurisdiction is the District of Columbia.

(d) **Applicability of Article 12.** If subsection (c)(5) of this section applies and this Article 12 is not in effect in the District of Columbia without material modification, the governing law for a matter covered by this Article is the law of the District of Columbia as though Article 12 were in effect in the District of Columbia without material modification. In this subsection, "Article 12" means Article 12 of Uniform Commercial Code Amendments (2022).

(e) **Relation of matter or transaction to controllable electronic record's jurisdiction not necessary.** To the extent subsections (a) and (b) of this section provide that the local law of the controllable electronic record's jurisdiction governs a matter covered by this Article, that law governs even if the matter or a transaction to which the matter relates does not bear any relation to the controllable electronic record's jurisdiction.

(f) **Rights of purchasers determined at time of purchase.** The rights acquired under section 1004 of this act by a purchaser or qualifying purchaser are governed by the law applicable under this section at the time of purchase.

**PART XI  
ARTICLE A  
TRANSITIONAL PROVISIONS FOR UNIFORM  
COMMERCIAL CODE  
AMENDMENTS (2022)  
GENERAL PROVISIONS AND DEFINITIONS**

NEW SECTION. **Sec. 1101.** SECTION A-101: TITLE. This Article may be cited as transitional provisions for Uniform Commercial Code Amendments (2022).

NEW SECTION. **Sec. 1102.** SECTION A-102: DEFINITIONS. (a) **Article A Definitions.** In this article:

(1) "Adjustment date" means July 1, 2025, or the date that is one year after the effective date of this section, whichever is later.

(2) "Article 12" means Article -- of this title (the new Article created by section 1202 of this act).

(3) "Article 12 property" means a controllable account, controllable electronic record, or controllable payment intangible.

(b) **Definitions in other articles.** The following definitions in other articles of this title apply to this Article.

"Controllable account." RCW 62A.9A-102.

"Controllable electronic record." Section 1002 of this act.

"Controllable payment intangible." RCW 62A.9A-102.

"Electronic money." RCW 62A.9A-102.

"Financing statement." RCW 62A.9A-102.

(c) **Article 1 definitions and principles.** Article 1 of this title contains general definitions and principles of construction and interpretation applicable throughout this Article.

#### GENERAL TRANSITIONAL PROVISION

NEW SECTION. **Sec. 1103.** SECTION A-201: SAVING CLAUSE. Except as provided in sections 1104 through 1109 of this act, a transaction validly entered into before the effective date of this section and the rights, duties, and interests flowing from the transaction remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than this title or, if applicable, this title, as though this act had not taken effect.

#### TRANSITIONAL PROVISIONS FOR ARTICLES 9A AND 12

NEW SECTION. **Sec. 1104.** SECTION A-301: SAVING CLAUSE. (a) **Preeffective-date transaction, lien, or interest.** Except as provided in this part, Article 9A of this title as amended by this act and Article 12 apply to a transaction, lien, or other interest in property, even if the transaction, lien, or interest was entered into, created, or acquired before the effective date of this section.

(b) **Continuing validity.** Except as provided in subsection (c) of this section and sections 1005 through 1109 of this act:

(1) A transaction, lien, or interest in property that was validly entered into, created, or transferred before the effective date of this section and was not governed by this title, but would be subject to Article 9A of this title as amended by this act or Article 12 if it had been entered into, created, or transferred on or after the effective date of this section, including the rights, duties, and interests flowing from the transaction, lien, or interest, remains valid on and after the effective date of this section; and

(2) The transaction, lien, or interest may be terminated, completed, consummated, and enforced as required or permitted by this act or by the law that would apply if this act had not taken effect.

(c) **Preeffective-date proceeding.** This act does not affect an action, case, or proceeding commenced before the effective date of this section.

NEW SECTION. **Sec. 1105.** SECTION A-302: SECURITY INTEREST PERFECTED BEFORE EFFECTIVE DATE. (a) **Continuing perfection: Perfection requirements satisfied.** A security interest that is enforceable and perfected immediately before the effective date of this section is a perfected security

interest under this act if, on the effective date of this section, the requirements for enforceability and perfection under this act are satisfied without further action.

(b) **Continuing perfection: Enforceability or perfection requirements not satisfied.** If a security interest is enforceable and perfected immediately before the effective date of this section, but the requirements for enforceability or perfection under this act are not satisfied on the effective date of this section, the security interest:

(1) Is a perfected security interest until the earlier of the time perfection would have ceased under the law in effect immediately before the effective date of this section or the adjustment date;

(2) Remains enforceable thereafter only if the security interest satisfies the requirements for enforceability under RCW 62A.9A-203, as amended by this act, before the adjustment date; and

(3) Remains perfected thereafter only if the requirements for perfection under this act are satisfied before the time specified in (1) of this subsection.

NEW SECTION. **Sec. 1106.** SECTION A-303: SECURITY INTEREST UNPERFECTED BEFORE EFFECTIVE DATE. A security interest that is enforceable immediately before the effective date of this section but is unperfected at that time:

(a) Remains an enforceable security interest until the adjustment date;

(b) Remains enforceable thereafter if the security interest becomes enforceable under RCW 62A.9A-203, as amended by this act, on the effective date of this section or before the adjustment date; and

(c) Becomes perfected:

(1) Without further action, on the effective date of this section if the requirements for perfection under this act are satisfied before or at that time; or

(2) When the requirements for perfection are satisfied if the requirements are satisfied after that time.

NEW SECTION. **Sec. 1107.** SECTION A-304: EFFECTIVENESS OF ACTIONS TAKEN BEFORE EFFECTIVE DATE. (a) **Preeffective-date action; attachment and perfection before adjustment date.** If action, other than the filing of a financing statement, is taken before the effective date of this section and the action would have resulted in perfection of the security interest had the security interest become enforceable before the effective date of this section, the action is effective to perfect a security interest that attaches under this act before the adjustment date. An attached security interest becomes unperfected on the adjustment date unless the security interest becomes a perfected security interest under this act before the adjustment date.

(b) **Preeffective-date filing.** The filing of a financing statement before the effective date of this section is effective to perfect a security interest on the effective date of this section to the extent the filing would satisfy the requirements for perfection under this act.

(c) **Preeffective-date enforceability action.** The taking of an action before the effective date of this section is sufficient for the enforceability of a security interest on the effective date of this section if the action would satisfy the requirements for enforceability under this act.

NEW SECTION. **Sec. 1108.** SECTION A-305: **PRIORITY.** (a) **Determination of priority.** Subject to subsections (b) and (c) of this section, this act determines the priority of conflicting claims to collateral.

(b) **Established priorities.** Subject to subsection (c) of this section, if the priorities of claims to collateral were established before the effective date of this section, Article 9A of this title as in effect before the effective date of this section determines priority.

(c) **Determination of certain priorities on adjustment date.** On the adjustment date, to the extent the priorities determined by Article 9A of this title as amended by this act modify the priorities established before the effective date of this section, the priorities of claims to Article 12 property and electronic money established before the effective date of this section cease to apply.

NEW SECTION. **Sec. 1109.** SECTION A-306: **PRIORITY OF CLAIMS WHEN PRIORITY RULES OF ARTICLE 9A DO NOT APPLY.** (a) **Determination of priority.** Subject to subsections (b) and (c) of this section, Article 12 determines the priority of conflicting claims to Article 12 property when the priority rules of Article 9A of this title as amended by this act do not apply.

(b) **Established priorities.** Subject to subsection (c) of this section, when the priority rules of Article 9A of this title as amended by this act do not apply and the priorities of claims to Article 12 property were established before the effective date of this section, law other than Article 12 determines priority.

(c) **Determination of certain priorities on adjustment date.** When the priority rules of Article 9A of this title as amended by this act do not apply, to the extent the priorities determined by this act modify the priorities established before the effective date of this section, the priorities of claims to Article 12 property established before the effective date of this section cease to apply on the adjustment date.

## PART XII

NEW SECTION. **Sec. 1201.** Nothing in this act may be construed to support, endorse, create, or implement a national digital currency.

NEW SECTION. **Sec. 1202.** Sections 1001 through 1007 of this act constitute a new Article in Title 62A RCW.

NEW SECTION. **Sec. 1203.** Sections 1101 through 1109 of this act constitute a new Article in Title 62A RCW.

NEW SECTION. **Sec. 1204.** This act takes effect January 1, 2024."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5078

Prime Sponsor, Ways & Means: Protecting public safety by establishing duties of firearm industry members. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that the irresponsible, dangerous, and unlawful business practices by firearms industry members contributes to the illegal use of firearms and not only constitutes a public nuisance as declared in chapter 7.48 RCW, but that the effects of that nuisance exacerbate the public health crisis of gun violence in this state. The Washington state medical association, the Washington health alliance, and the voters of Washington, most recently through approval of Initiative 1639 in 2016, have all noted that crisis.

(2) The legislature further finds that public nuisance was established in state law by Washington's territorial legislature in 1875 and has been interpreted by the state supreme court for more than 100 years to enjoin the operation of illegal businesses as nuisance by individuals suffering special injury. Since at least 1895, public nuisance has included manufacturing and storing gunpowder and other highly explosive substances.

(3) Firearm industry members profit from the sale, manufacture, distribution, importing, and marketing of lethal products that are frequently used to threaten, injure, and kill people in Washington, and which cause enormous harms to individuals' and communities' health, safety, and well-being, as well as economic opportunity and vitality. While manufacturers have incorporated features and technology resulting in more deadly and destructive firearms, and products designed to be used with and for firearms, some actors in the firearm industry have implemented irresponsible and dangerous sales, distribution, importing, and marketing practices, including contributing to the development of an illegal secondary market for these increasingly dangerous products.



Such practices lead to grave public harms and also provide an unfair business advantage to irresponsible firearm industry members over more responsible competitors who take reasonable precautions to protect others' lives and well-being.

(4) The federal protection of lawful commerce in arms act (PLCAA) recognizes the ability of states to enact and enforce statutes regulating the sale and marketing of firearms and related products, and expressly provides that causes of action may proceed where there are violations of such statutes.

(5) The legislature intends to ensure a level playing field for responsible firearm industry members, to incentivize firearm industry members to establish and implement safe and responsible business practices, and to ensure that the attorney general and members of the public in Washington who are harmed by a firearm industry member's violation of law may bring legal action to seek appropriate justice and fair remedies for those harms in court.

**NEW SECTION. Sec. 2.** A new section is added to chapter 7.48 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Firearm industry member" means a person engaged in the wholesale or retail sale, manufacturing, distribution, importing, or marketing of a firearm industry product, or any officer or agent to act on behalf of such a person or who acts in active concert or participation with such a person.

(b) "Firearm industry product" means a product that meets any of the following conditions:

(i) The firearm industry product was sold, made, distributed, or marketed in this state;

(ii) The firearm industry product was intended to be sold, made, distributed, or marketed in this state; or

(iii) The firearm industry product was used or possessed in this state, and it was reasonably foreseeable that the product would be used or possessed in this state.

(c) "Firearm trafficker" means a person who acquires, transfers, or attempts to acquire or transfer a firearm for purposes of unlawful commerce including, but not limited to, a subsequent transfer to another individual who is prohibited from possessing the firearm industry product under state or federal law.

(d) "Person" means any natural person, firm, corporation, company, partnership, society, joint stock company, municipality or other political subdivision of the state, or any other entity or association.

(e) "Product" means:

(i) A firearm;

(ii) Ammunition;

(iii) A component part of a firearm or ammunition, including a completed frame or receiver or unfinished frame or receiver, as defined in RCW 9.41.010;

(iv) An accessory or device that is designed or adapted to be inserted into,

affixed onto, or used in conjunction with a firearm, if the device is marketed or sold to the public and that is designed, intended, or able to be used to increase a firearm's rate of fire, concealability, magazine capacity, or destructive capacity, or to increase the firearm's stability and handling when the firearm is repeatedly fired;

(v) A machine or device that is marketed or sold to the public that is designed, intended, or able to be used to manufacture or produce a firearm or any other product listed in this subsection (1)(e).

(f) "Reasonable controls" means reasonable procedures, safeguards, and business practices, including but not limited to screening, security, and inventory practices, that are designed and implemented to do all of the following:

(i) Prevent the sale or distribution of a firearm industry product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under state or federal law, or a person who the firearm industry member has reasonable cause to believe is at substantial risk of using a firearm industry product to harm themselves or unlawfully harm another, or of unlawfully possessing or using a firearm industry product;

(ii) Prevent the loss of a firearm industry product or theft of a firearm industry product from a firearm industry member; and

(iii) Ensure that the firearm industry member complies with all provisions of state and federal law and does not otherwise promote the unlawful sale, manufacture, distribution, importing, possession, marketing, or use of a firearm industry product.

(g) "Straw purchaser" means a person who wrongfully purchases or obtains a firearm industry product on behalf of a third party. "Straw purchaser" does not include one who makes a bona fide gift to a person who is not prohibited by law from possessing a firearm industry product. For the purposes of this subsection (1)(g), a gift is not a "bona fide gift" if the third party has offered or given the purchaser or transferee a service or thing of value in connection with the transaction.

(2) This section applies to a firearm industry member engaged in the manufacture, distribution, importation, marketing, or wholesale or retail sale of a firearm industry product.

(3) A firearm industry member shall not knowingly create, maintain, or contribute to a public nuisance in this state through the sale, manufacturing, distribution, importing, or marketing of a firearm industry product.

(4) A firearm industry member shall establish, implement, and enforce reasonable controls regarding its manufacture, sale, distribution, importing, use, and marketing of firearm industry products.

(5) A firearm industry member shall take reasonable precautions to ensure the firearm industry member does not sell or distribute a firearm industry product to a downstream distributor or retailer of firearm industry

products that fails to establish and implement reasonable controls.

(6) A firearm industry member shall not manufacture, distribute, import, market, offer for wholesale, or offer for retail sale a firearm industry product that is:

(a) Designed, sold, or marketed in a manner that foreseeably promotes conversion of legal firearm industry products into illegal firearm industry products; or

(b) Designed, sold, or marketed in a manner that is targeted at minors or individuals who are legally prohibited from purchasing or possessing firearms.

(7) A violation of this section is a public nuisance.

(8) The legislature finds that the acts or practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(9) A firearm industry member's conduct in violation of any provision of this section constitutes a proximate cause of the public nuisance if the harm is a reasonably foreseeable effect of the conduct, notwithstanding any intervening actions, including but not limited to criminal actions by third parties. This subsection is not intended to establish a causation requirement for a claim brought by the attorney general pursuant to the consumer protection act, chapter 19.86 RCW.

(10) Whenever it appears to the attorney general that a firearm industry member has engaged in or is engaging in conduct in violation of this section, the attorney general may commence an action to seek and obtain any remedies available for violations of this chapter, and may also seek and obtain punitive damages up to an amount not to exceed three times the actual damages sustained by the state, reasonable attorneys' fees, and costs of the action.

(11) Whenever the attorney general believes that any person (a) may be in possession, custody, or control of any information which he or she believes to be relevant to the subject matter of an investigation of a possible violation of this section, or (b) may have knowledge of any information which the attorney general believes relevant to the subject matter of such an investigation, the attorney general may, prior to the institution of a civil proceeding thereon, execute in writing and cause to be served upon such a person, a civil investigative demand requiring such person to produce such documentary material and permit inspection and copying, to answer in writing written interrogatories, to give oral testimony, or any combination of such demands pertaining to such documentary material or information, subject to the provisions of RCW 19.86.110 (2) through (9). Any person or entity that receives a civil investigative demand issued pursuant to RCW 19.86.110 and that has an objection to answering in whole or in part may avail

themselves of the procedural protections afforded in RCW 19.86.110(8). Further, the attorney general shall not share with a law enforcement agency conducting a criminal investigation any materials or information obtained via a response to a civil investigative demand issued pursuant to RCW 19.86.110 unless such information or materials are required to be disclosed pursuant to issuance of a search warrant.

(12) The attorney general's authority to investigate a possible violation of this section and commence a legal action in response to a violation of this section shall not be construed or implied to deny, abrogate, limit, or impair any person's right to bring a private right of action in response to a violation of this section pursuant to (a) RCW 7.48.200 and 7.48.210, to seek damages, abatement, or any other remedy available for a public nuisance, or (b) chapter 19.86 RCW, to seek damages, equitable relief, or any other remedy available under the consumer protection act.

(13) To prevail in an action under this section, the party seeking relief is not required to demonstrate that the firearm industry member acted with the purpose to engage in a public nuisance or otherwise cause harm to the public.

(14) Nothing in this section shall be construed or implied to deny, abrogate, limit, or impair in any way any of the following:

(a) The right of the attorney general to pursue a legal action under any other law, including chapter 19.86 RCW; or

(b) An obligation or requirement placed on a firearm industry member by any other law.

(15) Nothing in this section shall be construed or implied to deny, abrogate, limit, or impair any statutory or common law right, remedy, or prohibition otherwise available to any party, including the attorney general.

NEW SECTION. **Sec. 3.** This act is known as the firearm industry responsibility and gun violence victims' access to justice act.

NEW SECTION. **Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; and Rude.

Referred to Committee on Appropriations

March 27, 2023

2SSB 5134

Prime Sponsor, Ways & Means: Concerning reentry services and supports. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that successful rehabilitation and reentry has a positive impact on reduced recidivism rates and increased community safety. The legislature further finds that the success of individuals releasing from confinement in correctional institutions can be increased through access to supportive services, medical assistance, and other necessities. The legislature recognizes that the mortality rate in the first 72 hours following release from confinement is on average 18 times higher than the general population. The legislature further finds that access to basic human needs like food, medication, clothing, transportation, and shelter are necessary supports for most individuals exiting confinement. Therefore, the legislature resolves to enhance recovery, reduce recidivism, and improve public safety by providing increased access to supportive services and assistance following release from confinement.

**Sec. 2.** RCW 72.02.100 and 2022 c 29 s 2 are each amended to read as follows:

(1) Any person serving a sentence for a term of confinement in a state correctional facility for convicted felons, pursuant to court commitment, who is thereafter released upon an order of parole of the indeterminate sentence review board, or who is discharged from custody upon expiration of sentence, or who is ordered discharged from custody by a court of appropriate jurisdiction, shall be entitled to retain his or her earnings from labor or employment while in confinement and shall be supplied by the superintendent of the state correctional facility with suitable and presentable clothing, the sum of no less than \$40 for subsistence, and transportation by the least expensive method of public transportation not to exceed the cost of \$100 to his or her place of residence or the place designated in his or her parole plan, or to the place from which committed if such person is being discharged on expiration of sentence, or discharged from custody by a court of appropriate jurisdiction: ~~PROVIDED, That up to ((60 additional dollars))~~ an additional \$60 may be made available to the parolee for necessary personal and living expenses upon application to and approval by such person's community corrections officer. If in the opinion of the superintendent suitable arrangements have been made to provide the person to be released with suitable clothing and/or the expenses of transportation, the superintendent may consent to such arrangement. If the superintendent has reasonable cause to believe that the person to be released has ample funds, with the exception of earnings from labor or

employment while in confinement, to assume the expenses of clothing, transportation, or the expenses for which payments made pursuant to this section or RCW 72.02.110 or any one or more of such expenses, the person released shall be required to assume such expenses.

(2) (a) The department of corrections may provide temporary housing assistance for a person being released from any state correctional facility through the use of rental vouchers, for a period not to exceed six months, if the department finds that such assistance will support the person's release into the community by preventing housing instability or homelessness. The department's authority to provide vouchers under this section is independent of its authority under RCW 9.94A.729; however, a person may not receive a combined total of rental vouchers in excess of six months for each release from a state correctional facility.

(b) The department shall establish policies for prioritizing funds available for housing vouchers under this section for persons at risk of releasing homeless or becoming homeless without assistance while taking into account risk to reoffend.

**Sec. 3.** RCW 72.09.270 and 2021 c 200 s 3 are each amended to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every incarcerated individual who is committed to the jurisdiction of the department except:

(a) Incarcerated individuals who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) Incarcerated individuals who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all incarcerated individuals using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each incarcerated individual. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the incarcerated individual, including any learning disabilities, substance abuse or mental health issues, and social or behavior challenges.

(4) (a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than forty-five days of being sentenced to the jurisdiction of the department of corrections.

(b) The incarcerated individual's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than sixty days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the incarcerated individual's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the incarcerated individual's children and family;

(b) An individualized portfolio for each incarcerated individual that includes the incarcerated individual's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the incarcerated individual during the period of incarceration through reentry into the community that addresses the needs of the incarcerated individual including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(6) (a) ~~((Prior to))~~ Within one year prior to the release or discharge of any incarcerated individual, the department shall develop an individual discharge plan and provide reentry linkage case management services as follows:

(i) Evaluate the incarcerated individual's behavioral health and physical health needs and, to the extent possible, connect the incarcerated individual with ~~((existing services and resources that meet those needs))~~ relevant services, treatment programs, medication-assisted treatment, tribal and urban health clinics, and behavioral health services, and other resources based on the individual's evaluated needs;

(ii) Assist the incarcerated individual with obtaining identification upon release;

(iii) Assist the incarcerated individual with submitting applications for applicable state and federal government assistance and benefits programs on behalf of the incarcerated individual;

(iv) Prepare a 90-day supply of any necessary prescribed medications to be provided upon release, through a combination of a 30-day supply of in-hand medications and 60-day supply of prescriptions, when clinically appropriate, to ensure continuity of care and that medications are readily available for the incarcerated individual upon release; and

~~((iii))~~ (v) Connect the incarcerated individual with a community justice center and/or community transition coordination network in the area in which the incarcerated individual will be residing once released from the correctional system if one exists.

(b) If the department recommends partial confinement in an incarcerated individual's individual reentry plan, the department shall maximize the period of partial confinement for the incarcerated individual as allowed pursuant to RCW 9.94A.728 to facilitate the incarcerated individual's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the incarcerated individual's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8) (a) In determining the county of discharge for an incarcerated individual released to community custody, the department may approve a residence location that is not in the incarcerated individual's county of origin if the department determines that the residence location would be appropriate based on any court-ordered condition of the incarcerated individual's sentence, victim safety concerns, and factors that increase opportunities for successful reentry and long-term support including, but not limited to, location of family or other sponsoring persons or organizations that will support the incarcerated individual, ability to complete an educational program that the incarcerated individual is enrolled in, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences on the person in the community.

(b) In implementing the provisions of this subsection, the department shall approve residence locations in a manner that will not cause any one county to be disproportionately impacted.

(c) If the incarcerated individual is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the incarcerated individual is placed with a written explanation.

(d) (i) For purposes of this section, except as provided in (d) (ii) of this subsection, the incarcerated individual's county of origin means the county of the incarcerated individual's residence at the time of the incarcerated individual's first felony conviction in Washington state.

(ii) If the incarcerated individual is a homeless person as defined in RCW 43.185C.010, or the incarcerated individual's residence is unknown, then the incarcerated individual's county of origin means the county of the incarcerated individual's first felony conviction in Washington state.

(9) Nothing in this section creates a vested right in programming, education, or other services."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Griffey, Assistant Ranking Minority Member; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Without recommendation. Signed by Representatives Mosbrucker, Ranking Minority Member; and Graham.

Referred to Committee on Appropriations

March 24, 2023

SB 5252

Prime Sponsor, Senator Valdez: Making modifications necessary to comply with federal regulations regarding dissemination of federal bureau of investigation criminal history record information. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 18.88B.080 and 2012 c 164 s 501 are each amended to read as follows:

A long-term care worker disqualified from working with vulnerable persons under chapter 74.39A RCW may not be certified or maintain certification as a home care aide under this chapter. ~~((To allow the department to satisfy its certification responsibilities under this chapter, the department of social and health services shall share the results of state and federal background checks conducted pursuant to RCW 74.39A.056 with the department. Neither department may share the federal background check results with any other state agency or person.))~~

**Sec. 2.** RCW 43.43.832 and 2021 c 203 s 1 are each amended to read as follows:

(1) The Washington state patrol identification and criminal history section shall disclose conviction records as follows:

(a) An applicant's conviction record, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian;

(b) The conviction record of an applicant for certification, upon the request of the Washington professional educator standards board;

(c) Any conviction record to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse, upon the request of a law enforcement agency, the office of the attorney general, prosecuting authority, or the department of social and health services; and

(d) A prospective client's or resident's conviction record, upon the request of a business or organization that qualifies for exemption under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) and that provides emergency shelter or transitional housing for children, persons with developmental disabilities, or vulnerable adults.

(2) The secretary of the department of social and health services and the secretary of children, youth, and families must establish rules and set standards to require specific action when considering the information received pursuant to subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as

defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities provided that: For persons residing in a home that will be utilized to provide foster care for dependent youth, a criminal background check will be required for all persons aged sixteen and older and the department of ~~((social and health services))~~ children, youth, and families may require a criminal background check for persons who are younger than sixteen in situations where it may be warranted to ensure the safety of youth in foster care;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment, including peer counseling, of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

(e) When individual providers as defined in RCW 74.39A.240 or providers paid by home care agencies provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(3) The secretary of the department of children, youth, and families shall investigate the conviction records, pending charges, and other information including civil adjudication proceeding records of current employees and of any person actively being considered for any position with the department who will or may have unsupervised access to children, or for state positions otherwise required by federal law to meet employment standards. "Considered for any position" includes decisions about (a) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (b) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

(4) The secretary of the department of children, youth, and families shall adopt rules and investigate conviction records,

pending charges, and other information including civil adjudication proceeding records, in the following circumstances:

(a) When licensing or certifying agencies with individuals in positions that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood education services, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(b) When authorizing individuals who will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services in licensed or certified agencies, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(c) When contracting with any business or organization for activities that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services;

(d) When establishing the eligibility criteria for individual providers to receive state paid subsidies to provide child day care or early learning services that will or may involve unsupervised access to children; and

(e) When responding to a request from an individual for a certificate of parental improvement under chapter 74.13 RCW.

(5) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The office of financial management shall adopt rules to accomplish the purposes of this subsection as it applies to state employees. The department of social and health services shall adopt rules to accomplish the purpose of this subsection as it applies to long-term care workers subject to RCW 74.39A.056.

(6)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed Washington state criminal background inquiry information.

(b) Completed state criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the state criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the

person was last employed at a licensed health care facility to the date of their current employment application, and the state criminal background information is no more than two years old.

(c) If state criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's state criminal background inquiry information. A new state criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share state criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the state criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(7) The department of social and health services may not consider any final founded finding of physical abuse or negligent treatment or maltreatment of a child made pursuant to chapter 26.44 RCW that is accompanied by a certificate of parental improvement or dependency as a result of a finding of abuse or neglect pursuant to chapter 13.34 RCW that is accompanied by a certificate of parental improvement when evaluating an applicant or employee's character, competency, and suitability pursuant to any background check authorized or required by this chapter, RCW 43.20A.710 or 74.39A.056, or any of the rules adopted thereunder.

**Sec. 3.** RCW 43.43.837 and 2022 c 297 s 954 are each amended to read as follows:

(1) (~~Except as provided in subsection (2) of this section, in~~) In order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access to vulnerable adults, children, or juveniles, the secretary of the department of social and health services (~~and the secretary of the department of children, youth, and families may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and~~) shall require the applicant or service

provider to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation when the applicant or service provider:

(a) ((Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual sixteen years of age or older who: (i) Is not under the placement and care authority of the department of children, youth, and families; and (ii) resides in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department of children, youth, and families to provide services to children under RCW 74.15.030;

(c) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or

(d) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other)) Has resided in the state less than three consecutive years before application and:

(i) Is a contractor providing services funded by other home and community long-term care programs, established pursuant to chapters 71A.12, 74.09, 74.39, and 74.39A RCW, administered by the department of social and health services;

(ii) Is an individual who is authorized by the department of social and health services to provide services to people with developmental disabilities under RCW 74.15.030; or

(iii) Is applying for employment or is already employed by an area agency on aging or federally recognized Indian tribe, or is an employee of a contractor of an area agency on aging or federally recognized Indian tribe, that will, or may, have unsupervised access to vulnerable adults, children, or juveniles when engaging in the activities described in RCW 74.09.520(5);

(b) Is applying for employment or is already employed at any secure facility operated by the department of social and health services under chapter 71.09 RCW;

(c) Is applying to be an adult family home licensee, entity representative, or resident manager under chapter 70.128 RCW;

(d) Is applying to be an assisted living facility licensee or administrator under chapter 18.20 RCW;

(e) Is applying to be an enhanced services facility licensee or administrator under chapter 70.97 RCW;

(f) Is applying to be a certified community residential services and supports provider or administrator under chapter 71A.12 RCW; or

(g) Has been categorized as a high-risk provider as defined in subsection (10)(f) of this section.

(2) Long-term care workers, as defined in RCW 74.39A.009, who are hired after January 7, 2012, are subject to fingerprint-based background checks under RCW 74.39A.056.

(3) ((To satisfy the shared background check requirements provided for in RCW 43.216.270 and 43.20A.710, the department of children, youth, and families and the department of social and health services shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow both departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. Neither department may share the federal background check results with any other state agency or person.)) In order to determine the character, competence, and suitability of an applicant or service provider to have unsupervised access to children or juveniles, the secretary of the department of children, youth, and families shall require the applicant or service provider to submit fingerprints for the purpose of investigating conviction records through both the Washington state patrol and the federal bureau of investigation when the applicant or service provider:

(a) Is applying for a license under RCW 74.15.030 or is an adult living in a home where a child is placed;

(b) Is applying for employment or already employed at a group care facility, regardless of whether the applicant is working directly with children;

(c) Is newly applying for an agency license, is newly licensed, is an employee of an agency that is newly licensed, or will newly have unsupervised access to children in child care, pursuant to RCW 43.216.270; or

(d) Has resided in the state less than three consecutive years before application; and:

(i) Is applying for employment, promotion, reallocation, or transfer to a position the department of children, youth, and families has identified as one that will, or may, require the applicant to have unsupervised access to children or juveniles because of the nature of the work;

(ii) Is a business or individual contracted to provide services to children or people with developmental disabilities under RCW 74.15.030; or

(iii) Is an individual 16 years of age or older who: (A) Is not under the placement and care authority of the department of children, youth, and families; and (B) resides in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department of children, youth, and families to provide services to children under RCW 74.15.030.

(4) The secretary of the department of children, youth, and families shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement

of children in accordance with federal and state law. Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department of children, youth, and families for applicants and service providers providing foster care as required in RCW 74.15.030.

~~((5))~~ ~~((Any secure facility operated by the department of social and health services or the department of children, youth, and families under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.~~

~~((6))~~ ~~Service providers and service provider applicants) Applicants and service providers of the department of social and health services, except for ((those)) long-term care workers ((exempted in subsection (2) of this section)) subject to RCW 74.39A.056, who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:~~

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

~~((7))~~ ~~((6))~~ Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the applicable department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department of social and health services or the department of children, youth, and families;

(f) Services in, or to residents of, a secure facility under RCW 71.09.115; and

(g) For fiscal year 2023, applicants for child care and early learning services to children under RCW 43.216.270.

~~((8))~~ ~~Service providers))~~ ~~((7))~~ Applicants licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

~~((9))~~ ~~((8))~~ Department of children, youth, and families ~~((service providers licensed))~~ licensees under RCW 74.15.030 may not pass on the cost of the background check fees to their ~~((applicants))~~ employees unless the individual is determined to be disqualified due to the background information.

~~((10))~~ ~~((9))~~ The department of social and health services and the department of children, youth, and families shall develop

rules identifying the financial responsibility of service providers, applicants, and the respective department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

~~((11))~~ ~~((10))~~ For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department of social and health services, department of children, youth, and families, or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual specified in subsection (1)(a) through (g) or (3)(a) through (d) of this section who will or may have unsupervised access to vulnerable adults, children, or juveniles because of the nature of the work or services he or she provides. "Applicant" includes ~~((but is not limited to))~~ any individual who will or may have unsupervised access to vulnerable adults, children, or juveniles and is:

(i) Applying for a license or certification from the department of social and health services or the department of children, youth, and families;

(ii) Seeking a contract with the department of social and health services, the department of children, youth, and families, or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer; or

(iv) An individual that a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered ~~((or~~

~~((v))~~ ~~A department of social and health services or department of children, youth, and families applicant who will or may work in a department-covered position).~~

(b) "Area agency on aging" means an agency that is designated by the state to address the needs and concerns of older persons at the regional and local levels and is responsible for a particular geographic area that is a tribal reservation, a single county, or a multicounty planning area. Area agencies on aging have governance based on the corresponding county, city, tribal government, or council of governments.

(c) "Authorized" means the department of social and health services or the department of children, youth, and families grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department of social and health services or department of children, youth, and families program; or



(iv) Work or serve in a department of social and health services or department of children, youth, and families (~~covered~~) employment position.

~~((c) "Secretary" means the secretary of the department of social and health services.~~

~~(d) "Secure facility" has the meaning provided in RCW 71.09.020.~~

~~(e)) (d) "Community residential services and supports provider" means a person or entity certified by the department of social and health services to deliver one or more of the services described in RCW 71A.12.040 to a person with a developmental disability, as defined in RCW 71A.10.020, who is eligible to receive services from the department of social and health services.~~

~~(e) "Entity representative" means the individual designated by an entity provider or entity applicant who:~~

~~(i) Is the representative of the entity for the purposes of fulfilling the training and qualification requirements of the state that only an individual can fulfill and an entity cannot;~~

~~(ii) Is responsible for overseeing the operation of the home; and~~

~~(iii) Does not hold the license on behalf of the entity.~~

~~(f) "High-risk provider" means a service provider that has been designated by the state medicaid agency as posing an increased financial risk of fraud, waste, or abuse to the medicaid program. A "high-risk provider" additionally includes any person who has a five percent or more direct or indirect ownership interest in such a provider.~~

~~(g) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department of social and health services or the department of children, youth, and families to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department of social and health services or department of children, youth, and families client or guardian of a department of social and health services or department of children, youth, and families client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department of social and health services or the department of children, youth, and families for services rendered.~~

**Sec. 4.** RCW 74.39A.056 and 2021 c 203 s 3 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 ~~((make the information available to employers, prospective employers, and others as authorized by law)), 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.~~

~~((e) The department shall share state and federal background check results with the department of health in accordance with RCW 18.88B.080.~~

~~(d) Background check screening required under this section and department rules is not required for an employee of a consumer directed employer if all of the following circumstances apply:~~

~~(i) The individual has an individual provider contract with the department;~~

~~(ii) The last background check on the contracted individual provider is still valid under department rules and did not disqualify the individual from providing personal care services;~~

~~(iii) Employment by the consumer directed employer is the only reason a new background check would be required; and~~

~~(iv) The department's background check results have been shared with the consumer directed employer.~~

~~(e) The department may require a fingerprint-based background check through both the Washington state patrol and the federal bureau of investigation at any time.)~~

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

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

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

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

Correct the title.

Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Ortiz-Self; Rule and Walsh.

Referred to Committee on Rules for second reading

March 24, 2023

SB 5280

Prime Sponsor, Senator Frame: Concerning the duty of clergy to report child abuse or neglect. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.44.020 and 2021 c 215 s 142 and 2021 c 67 s 3 are each reenacted and amended to read as follows:

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

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child forensic interview" means a developmentally sensitive and legally sound method of gathering factual information regarding allegations of child abuse, child neglect, or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing techniques informed by research and best practice as part of a larger investigative process.

(4) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(5) "Child protective services section" means the child protective services section of the department.

(6) "Child who is a candidate for foster care" means a child who the department identifies as being at imminent risk of entering foster care but who can remain safely in the child's home or in a kinship placement as long as services or programs that are necessary to prevent entry of the child into foster care are provided, and includes but is not limited to a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement. The term includes a child for whom there is reasonable cause to believe that any of the following circumstances exist:

(a) The child has been abandoned by the parent as defined in RCW 13.34.030 and the child's health, safety, and welfare is seriously endangered as a result;

(b) The child has been abused or neglected as defined in this chapter and the child's health, safety, and welfare is seriously endangered as a result;

(c) There is no parent capable of meeting the child's needs such that the child is in

circumstances that constitute a serious danger to the child's development;

(d) The child is otherwise at imminent risk of harm.

(7) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(8) "~~(Clergy)~~ Member of the clergy" means any regularly licensed, accredited, or ordained minister, priest, ~~((or))~~ rabbi, imam, elder, or similarly situated religious or spiritual leader of any church ~~((or))~~, religious denomination, religious body, spiritual community, or sect, or person performing official duties that are recognized as the duties of a member of the clergy under the discipline, tenets, doctrine, or custom of the person's church, religious denomination, religious body, spiritual community, or sect, whether acting in an individual capacity or as an employee ~~((or))~~, agent, or official of any public or private organization or institution.

(9) "Court" means the superior court of the state of Washington, juvenile department.

(10) "Department" means the department of children, youth, and families.

(11) "Experiencing homelessness" means lacking a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

(12) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(13) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the

family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(14) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(15) "Inconclusive" means the determination following an investigation by the department of social and health services, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(16) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(17) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(18) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(19) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, experiencing homelessness, or exposure to domestic violence as defined in RCW 7.105.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(20) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(22) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for federal funding under the federal family first prevention services act, P.L. 115-123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

(23) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(24) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(25) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(26) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(27) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(28) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(29) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

**Sec. 2.** RCW 26.44.030 and 2019 c 172 s 6 are each amended to read as follows:

(1)(a) When any practitioner, member of the clergy, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of children, youth, and families, licensed or certified child care providers or their employees, employee of the department of social and health services, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, state family and children's ombuds or any volunteer in the ombuds's office, or host

home program has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Organization" includes a sole proprietor, partnership, corporation, limited liability company, trust, association, financial institution, governmental entity, other than the federal government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

(iii) "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

(iv) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the

incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11 and 13 RCW and this title, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency, including military law enforcement, if appropriate. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law

enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or

release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report that a child is a candidate for foster care as defined in RCW 26.44.020, the department may provide prevention and family services and programs to the child's parents, guardian, or caregiver. The department may not be held civilly liable for the decision regarding whether to provide prevention and family services and programs, or for the provision of those services and programs, for a child determined to be a candidate for foster care.

(11) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(12)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation; or

(ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of: Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim. Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this chapter, and there

is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case. However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Indicates a child's health, safety, and welfare will be seriously endangered if not taken into custody for reasons including, but not limited to, sexual abuse and sexual exploitation of the child as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW 13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW.

(c) In addition, the department may use a family assessment response to assess for and provide prevention and family services and programs, as defined in RCW 26.44.020, for the following children and their families, consistent with requirements under the federal family first prevention services act and this section:

(i) A child who is a candidate for foster care, as defined in RCW 26.44.020; and

(ii) A child who is in foster care and who is pregnant, parenting, or both.

(d) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment response under this section unless the state or its officers, agents, or employees acted with reckless disregard.

(13)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(14) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within forty-five days of receiving the report except as follows:

(i) Upon parental agreement, the family assessment response period may be extended up to one hundred twenty days. The department's extension of the family assessment response period must be operated within the department's appropriations;

(ii) For cases in which the department elects to use a family assessment response as authorized under subsection (12)(c) of this section, and upon agreement of the child's parent, legal guardian, legal custodian, or relative placement, the family assessment response period may be extended up to one year. The department's extension of the family assessment response must be operated within the department's appropriations.

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian agree to participate in services before services are initiated. The department shall inform the parents of their rights under family assessment response, all of their options, and the options the department has if the parents do not agree to participate in services.

(15)(a) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(i) May interview children. If the department determines that the response to the allegation will be family assessment response, the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects,

the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(ii) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(b) The Washington state school directors' association shall adopt a model policy addressing protocols when an interview, as authorized by this subsection, is conducted on school premises. In formulating its policy, the association shall consult with the department and the Washington association of sheriffs and police chiefs.

(16) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombuds of the contents of the report. The department shall also notify the ombuds of the disposition of the report.

(17) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(18)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred. No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

(19) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor.

(20) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(21) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

(22) The department shall make efforts as soon as practicable to determine the military status of parents whose children are subject to abuse or neglect allegations. If the department determines that a parent or guardian is in the military, the department shall notify a department of defense family advocacy program that there is an allegation of abuse and neglect that

is screened in and open for investigation that relates to that military parent or guardian.

(23) The department shall make available on its public website a downloadable and printable poster that includes the reporting requirements included in this section. The poster must be no smaller than eight and one-half by eleven inches with all information on one side. The poster must be made available in both the English and Spanish languages. Organizations that include employees or volunteers subject to the reporting requirements of this section must clearly display this poster in a common area. At a minimum, this poster must include the following:

- (a) Who is required to report child abuse and neglect;
- (b) The standard of knowledge to justify a report;
- (c) The definition of reportable crimes;
- (d) Where to report suspected child abuse and neglect; and
- (e) What should be included in a report and the appropriate timing."

Correct the title.

Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Couture, Assistant Ranking Minority Member; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Ranking Minority Member; Dent; and Walsh.

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5304 Prime Sponsor, Human Services: Testing individuals who provide language access to state services. Reported by Committee on Human Services, Youth, & Early Learning

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

MINORITY recommendation: Without recommendation. Signed by Representatives Dent; and Walsh.

Referred to Committee on Rules for second reading

March 24, 2023

SSB 5398 Prime Sponsor, Human Services: Concerning domestic violence funding allocation. Reported by Committee on Human Services, Youth, & Early Learning

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

Referred to Committee on Rules for second reading

March 24, 2023

ESSB 5515 Prime Sponsor, Human Services: Protecting children from child abuse and neglect.

Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that there is a lack of oversight of certain residential facilities and residential private schools charged with the care of children. It is the intent of the legislature to ensure that the health, safety, and well-being of children who are served in residential facilities and residential private schools are protected against child abuse and neglect and have their basic health and safety needs met. The legislature intends for greater state oversight of such facilities that otherwise lack nationally recognized accreditation and intends for the department of children, youth, and families and the department of health to work collaboratively to coordinate oversight and monitoring processes to ensure state resources are used efficiently and effectively. Therefore, the legislature resolves to conduct investigations of certain residential facilities and residential private schools when allegations of child abuse or neglect are made at those facilities.

NEW SECTION. Sec. 2. A new section is added to chapter 74.15 RCW to read as follows:

(1)(a) The department shall license the living accommodations provided by residential private schools as defined in RCW 74.15.020. Accommodations include all areas and school operations that are intended to allow enrolled students to eat, sleep, bathe, recreate, or otherwise reside.

(b) A residential private school is exempt from the licensing requirements of (a) of this subsection if:

(i) The residential private school is accredited by an accrediting body approved by the state board of education in accordance with accreditation standards and procedures established by the state board of education under RCW 28A.305.130; and

(ii) The accreditation covers the student living accommodations including examination of comparable criteria as listed in subsection (2) of this section as determined by the state board of education in consultation with the department.

(2) The department shall engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the state board of education and other affected interests to adopt minimum health and safety rules to implement this section. Rules must address the needs of children and youth during noninstructional hours, including but not limited to space allotted to each child or youth for sleeping, developmentally appropriate privacy requirements, personal storage, nutritional needs, cleanliness and hygiene of living quarters, social-emotional well-being during noninstructional hours, health and wellness accommodations,



compliance with the Americans with disabilities act, and physical safety.

**Sec. 3.** RCW 26.44.210 and 2019 c 266 s 13 are each amended to read as follows:

(1)(a) The department (~~must~~) shall investigate all referrals of alleged child abuse or neglect occurring at the (~~state school for the deaf, including alleged incidents involving students abusing other students;~~) ~~Washington center for deaf and hard of hearing youth, substance use disorder treatment facilities licensed under chapter 71.24 RCW that treat patients on a residential basis, entities that provide behavioral health services as defined in RCW 71.24.025 on a residential basis, host homes as described in RCW 74.15.020(2)(o), and residential private schools as defined in this section.~~

(b) After investigating an allegation of child abuse or neglect under this section, the department shall determine whether there is a finding of abuse or neglect (~~(+)~~), and determine whether a referral to law enforcement is appropriate under this chapter.

(c) The department must adopt rules to implement this section.

(d) Any facilities referenced under (a) of this subsection where the department is investigating child abuse or neglect shall share records and any other information that is relevant to the department's investigation. Any records or information shared with the department retains any otherwise existing confidentiality protections under state or federal law.

(2) The department must send a copy of the investigation report, including the finding, regarding any incidents of alleged child abuse or neglect (~~(at the state school for the deaf)~~) to the (~~director of the Washington center for deaf and hard of hearing youth, or the director's designee. The department may include recommendations to the director and the board of trustees or its successor board for increasing the safety of the school's students.~~) ~~administration of the facility in which the incident occurred and to the state agency which provides licensure, oversight, or accreditation to the program at the facility in which the incident occurred.~~

(3) "Residential private school" means a nonpublic school or nonpublic school district subject to approval by the state board of education pursuant to RCW 28A.305.130 and chapter 28A.195 RCW that provides sleeping and living facilities or residential accommodations for enrolled students.

**Sec. 4.** RCW 74.15.020 and 2021 c 176 s 5239 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, (~~(or)~~) facility, or residential private school which receives children, expectant mothers, or persons with developmental disabilities for control, care, or

maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other

services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Residential private school" means a nonpublic school or nonpublic school district subject to approval by the state board of education pursuant to RCW 28A.305.130 and chapter 28A.195 RCW that provides sleeping and living facilities or residential accommodations for enrolled students;

(j) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

~~((j))~~(k) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

~~((k))~~(l) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a) (i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

~~((f))~~ ~~((Schools, including boarding))~~ Nonresidential schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o)(i) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (A) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (B) screens and provides case management services to youth in the program; (C) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (D) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (E) provides mandatory reporter and confidentiality training; and (F) registers with the secretary of state under RCW 74.15.315.

(ii) For purposes of this section, a "host home" is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

(iii) For purposes of this section, a "host home program" is a program that provides support to individual host homes and meets the requirements of (o)(i) of this subsection.

(iv) Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state;

(p) Receiving centers as defined in RCW 7.68.380.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to

an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**NEW SECTION. Sec. 5.** A new section is added to chapter 71.24 RCW to read as follows:

Any substance use disorder treatment facilities and entities that provide behavioral health services where the department of children, youth, and families is investigating child abuse or neglect, as provided for under RCW 26.44.210, shall share records and any other information that is relevant to the department of children, youth, and families' investigation. Any records or information shared with the department of children, youth, and families retains any confidentiality protections under state or federal law.

**NEW SECTION. Sec. 6.** The department of children, youth, and families shall submit to the appropriate committees of the legislature, in compliance with RCW 43.01.036, a preliminary progress report on licensing and oversight of residential private schools no later than July 1, 2025, and final report no later than July 1, 2026.

**NEW SECTION. Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of

the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 8.** Sections 2 and 4 of this act take effect July 1, 2025.

NEW SECTION. **Sec. 9.** Section 3 of this act takes effect January 1, 2024."

Correct the title.

Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Rule and Walsh.

Referred to Committee on Appropriations

March 24, 2023

ESSB 5599 Prime Sponsor, Human Services: Supporting youth and young adults seeking protected health care services. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that unsheltered homelessness for youth poses a serious threat to their health and safety. The Trevor project has found that one in three transgender youth report attempting suicide. Homelessness amongst transgender youth can further endanger an already at-risk population. The legislature further finds that barriers to accessing shelter can place a chilling effect on exiting unsheltered homelessness and therefore create additional risk and dangers for youth. Youth seeking certain medical services are especially at risk and vulnerable. Therefore, the legislature intends to remove barriers to accessing temporary, licensed shelter accommodations for youth seeking certain protected health care services.

**Sec. 2.** RCW 13.32A.082 and 2013 c 4 s 2 are each amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, any person, unlicensed youth shelter, or runaway and homeless youth program that, without legal authorization, provides shelter to a minor and that knows at the time of providing the shelter that the minor is away from a lawfully prescribed residence or home without parental permission, shall promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department.

(b) (i) If a licensed overnight youth shelter, or another licensed organization with a stated mission to provide services to homeless or runaway youth and their families, shelters a child and knows at the time of providing the shelter that the child is away from a lawfully prescribed residence or home without parental permission, it must contact the youth's parent within seventy-

two hours, but preferably within twenty-four hours, following the time that the youth is admitted to the shelter or other licensed organization's program. The notification must include the whereabouts of the youth, a description of the youth's physical and emotional condition, and the circumstances surrounding the youth's contact with the shelter or organization. If there are compelling reasons not to notify the parent, the shelter or organization must instead notify the department.

(ii) At least once every eight hours after learning that a youth receiving services or shelter under this section is away from home without permission, the shelter or organization staff must consult the information that the Washington state patrol makes publicly available under RCW 43.43.510(2). If the youth is publicly listed as missing, the shelter or organization must immediately notify the department of its contact with the youth listed as missing. The notification must include a description of the minor's physical and emotional condition and the circumstances surrounding the youth's contact with the shelter or organization.

(c) Reports required under this section may be made by telephone or any other reasonable means.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Shelter" means the person's home or any structure over which the person has any control.

(b) "Promptly report" means to report within eight hours after the person has knowledge that the minor is away from a lawfully prescribed residence or home without parental permission.

(c) "Compelling reasons" include, but are not limited to (~~(, circumstances)~~):

(i) Circumstances that indicate that notifying the parent or legal guardian will subject the minor to abuse or neglect as defined in RCW 26.44.020; or

(ii) When a minor is seeking or receiving protected health care services.

(d) "Protected health care services" means gender affirming treatment as defined in RCW 74.09.675 and reproductive health care services as defined in RCW 74.09.875.

(3) When the department receives a report under subsection (1) of this section, it shall make a good faith attempt to notify the parent that a report has been received and offer services designed to resolve the conflict and accomplish a reunification of the family.

(4) Nothing in this section prohibits any person, unlicensed youth shelter, or runaway and homeless youth program from immediately reporting the identity and location of any minor who is away from a lawfully prescribed residence or home without parental permission more promptly than required under this section.

(5) Nothing in this section limits a person's duty to report child abuse or neglect as required by RCW 26.44.030 or removes the requirement that the law enforcement agency of the jurisdiction in which the person lives be notified.

**Sec. 3.** RCW 74.15.020 and 2021 c 176 s 5239 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a) (i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a) (i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o) (i) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department except as provided in subsection (2) (o) (iii) of this section, if that program: (A) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (B) screens and provides case management services to youth in the program; (C) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months, unless there is a compelling reason to not contact the parent or guardian; (D) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (E) provides mandatory reporter and confidentiality training; and (F) registers with the secretary of state under RCW 74.15.315.

(ii) If a host home program serves a child without parental authorization who is seeking or receiving protected health care services, the host home program must:

(A) Report to the department within 72 hours of the youth's participation in the program and following this report the department shall make a good faith attempt to notify the parent of this report and offer services designed to resolve the conflict and accomplish a reunification of the family;

(B) Report to the department the youth's participation in the host home program at least once every month when the youth remains in the host home longer than one month; and

(C) Provide case management outside of the host home and away from any individuals residing in the home at least once per month.

(iii) A host home program and host home that meets the other requirements of subsection (2) (o) of this section may provide care for a youth who is receiving services from the department if the youth is:

(A) Not subject to a dependency proceeding under chapter 13.34 RCW; and

(B) Seeking or receiving protected health care services.

(iv) For purposes of this section, ((a "host")) the following definitions apply:

(A) "Host home" ((is)) means a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

((iii) For purposes of this section, a "host") (B) "Host home program" is a program that provides support to individual host

homes and meets the requirements of (o)(i) of this subsection.

~~((iv))~~ (C) "Compelling reason" means the youth is in the host home or seeking placement in a host home while seeking or receiving protected health care services.

(D) "Protected health care services" means gender affirming treatment as defined in RCW 74.09.675 and reproductive health care services as defined in RCW 74.09.875.

(v) Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state;

(p) Receiving centers as defined in RCW 7.68.380.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs."

Correct the title.

Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan; Goodman; Ortiz-Self and Rule.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Dent; and Walsh.

Referred to Committee on Rules for second reading

March 24, 2023

SB 5606

Prime Sponsor, Senator Lovick: Detering illegal racing. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

March 24, 2023

SB 5683

Prime Sponsor, Senator Kauffman: Concerning child-specific foster care licenses for placement of Indian children. Reported by Committee on Human Services, Youth, & Early Learning

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

Referred to Committee on Appropriations

March 24, 2023

ESB 5691

Prime Sponsor, Senator Warnick: Concerning resource and assessment centers. Reported by Committee on Human Services, Youth, & Early Learning

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.15.020 and 2021 c 176 s 5239 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental

disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 43.185C.295 through 43.185C.310;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis. "Group care facility" includes but is not limited to:

(i) Qualified residential treatment programs as defined in RCW 13.34.030;

(ii) Facilities specializing in providing prenatal, postpartum, or parenting supports for youth; and

(iii) Facilities providing high quality residential care and supportive services to children who are, or who are at risk of becoming, victims of sex trafficking;

(g) "HOPE center" means an agency licensed by the secretary to provide

temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to ~~((seventy-two hours, excluding Saturdays, Sundays, and holidays))~~ three business days, or up to seven business days with department approval to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a) (i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a) (i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of



eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o)(i) A host home program, and host home, operated by a tax exempt organization

for youth not in the care of or receiving services from the department, if that program: (A) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (B) screens and provides case management services to youth in the program; (C) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (D) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (E) provides mandatory reporter and confidentiality training; and (F) registers with the secretary of state under RCW 74.15.315.

(ii) For purposes of this section, a "host home" is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

(iii) For purposes of this section, a "host home program" is a program that provides support to individual host homes and meets the requirements of (o)(i) of this subsection.

(iv) Any host home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state;

(p) Receiving centers as defined in RCW 7.68.380.

(3) "Department" means the department of children, youth, and families.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of the department.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in

another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce innovation and opportunity act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**Sec. 2.** RCW 74.15.311 and 2013 c 105 s 3 are each amended to read as follows:

(1) The secretary is authorized to license resource and assessment centers if the agency meets the following requirements:

(a) There is a demonstrated need in the local community for a resource and assessment center; and

(b) The resource and assessment center will be primarily staffed by trained volunteers (~~and~~

~~(c) The resource and assessment center demonstrates it is not financially dependent on reimbursement from the state to operate).~~

(2) The department may adopt rules to specify licensing requirements for resource and assessment centers. Rules adopted by the department shall allow:

(a) A sufficient number of trained volunteers to meet staffing requirements;

(b) Flexibility in hours of operation and not require the resource and assessment center to be open if there are no children in its care; and

(c) The ability to operate in a residential area.

(3) Resource and assessment centers licensed under this section may:

(a) Provide care for children ages birth through ~~((twelve, or for children ages thirteen through seventeen who have a sibling or siblings under thirteen years of age who are being admitted to the resource and assessment center))~~ 17 at the discretion of the resource and assessment center; ~~((and))~~

(b) Operate up to ~~((twenty-four))~~ 24 hours per day, and for up to seven days per week (~~(-~~

~~(4) Resource and assessment centers may not be))~~ ;

(c) Provide care for children for up to three business days, or up to seven business days with department approval;

(d) Be used to ((address)) provide emergency initial care for children as they enter foster care; and

(e) Address placement disruptions for children who have not been removed from a foster home because of the child's behavior or safety concerns."

Correct the title.

Signed by Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Callan; Dent; Goodman; Rule and Walsh.

Referred to Committee on Rules for second reading

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 sixth order of business.

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5617, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Wellman, Nguyen, Hasegawa, Liias, Lovelett, Nobles and Wilson, C.)**

**Concerning career and technical education course equivalencies.**

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Education was adopted. For Committee amendment, see Journal, Day 68, Friday, March 17, 2023.

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

Representatives Santos and Maycumber spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5617, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5617, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

SUBSTITUTE SENATE BILL NO. 5617, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5123, by Senate Committee on Labor & Commerce (originally sponsored by Keiser, Frame, Hunt, Kuderer, Mullet, Nguyen, Randall, Stanford, Van De Wege and Wellman)**

**Concerning the employment of individuals who lawfully consume cannabis.**

The bill was read the second time.

With the consent of the House, amendment (502) was withdrawn.

Representative Schmidt moved the adoption of amendment (515):

On page 1, line 5, after "chapter" strike "49.44" and insert "49.94"

On page 1, line 19, after "chapter" strike "49.44" and insert "49.94"

Correct the title.

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

Amendment (515) was adopted.

Representative Robertson moved the adoption of amendment (503):

On page 2, beginning on line 20, after "applicant" strike "applying for a position that requires" and insert "seeking:

(a) A position requiring"

On page 2, line 22, after "clearance" strike "or" and insert ";

(b) A position with a general authority Washington law enforcement agency as defined in RCW 10.93.020;

(c) A position with a fire department, fire protection district, or regional fire protection service authority;

(d) A position as a first responder not included under (b) or (c) of this subsection, including a dispatcher position with a public or private 911 emergency communications system or a position responsible for the provision of emergency medical services;

(e) A position as a corrections officer with a jail, detention facility, or the department of corrections, including any position directly responsible for the custody, safety, and security of persons confined in those facilities;

(f) A position"

On page 2, beginning on line 22, after "industries" strike ", or any other" and insert ";

(g) A"

Representatives Robertson and Berry spoke in favor of the adoption of the amendment.

Amendment (503) was adopted.

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

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

Representative Schmidt spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5123, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5123, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hansen, Kloba, Lekanoff, Low, Macri, Mena, Morgan, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walsh, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chandler, Cheney, Christian, Connors, Corry, Couture, Davis, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Ryu, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walen, Waters, Wilcox and Ybarra

ENGROSSED SUBSTITUTE SENATE BILL NO. 5123, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

- SENATE BILL NO. 5023
- SUBSTITUTE SENATE BILL NO. 5028
- SENATE BILL NO. 5041
- SENATE BILL NO. 5089
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5143
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5179
- SENATE BILL NO. 5192
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5198
- SENATE BILL NO. 5295
- SENATE BILL NO. 5319
- SENATE BILL NO. 5342
- SENATE BILL NO. 5370
- SENATE BILL NO. 5421
- SUBSTITUTE SENATE BILL NO. 5439
- SENATE BILL NO. 5553
- SUBSTITUTE SENATE BILL NO. 5569
- ENGROSSED SENATE BILL NO. 5623
- SUBSTITUTE SENATE BILL NO. 5627
- ENGROSSED SENATE BILL NO. 5650
- SENATE BILL NO. 5700

The Speaker called upon Representative Bronoske to preside.

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

**FIRST SUPPLEMENTAL REPORT OF STANDING COMMITTEES**

March 28, 2023

HB 1818

Prime Sponsor, Representative Tharinger:  
Concerning the exclusion of compensating  
tax when land is sold to a governmental  
entity intending to manage the land similarly  
to designated forestland or timberland.  
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass. Signed by  
Representatives Berg, Chair; Street, Vice Chair; Orcutt,  
Ranking Minority Member; Jacobsen, Assistant Ranking  
Minority Member; Barnard; Chopp; Ramel; Santos; Springer;  
Thai; Walen and Wylie.

Referred to Committee on Rules for second reading

March 28, 2023

ESB 5015

Prime Sponsor, Senator Fortunato:  
Reestablishing the productivity board.  
Reported by Committee on State  
Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by  
Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno,  
Ranking Minority Member; Christian, Assistant Ranking  
Minority Member; Gregerson; Low and Mena.

Referred to Committee on Appropriations

March 28, 2023

SB 5084

Prime Sponsor, Senator Braun: Creating a  
separate fund for the purposes of self-insured  
pensions and assessments. Reported by  
Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by  
Representatives Berry, Chair; Fosse, Vice Chair; Robertson,  
Ranking Minority Member; Schmidt, Assistant Ranking  
Minority Member; Bronoske; Connors; Doglio; Ormsby and  
Ortiz-Self.

Referred to Committee on Appropriations

March 28, 2023

SB 5088

Prime Sponsor, Senator Keiser: Adding  
references to contractor registration and  
licensing laws in workers' compensation,  
public works, and prevailing wage statutes.  
Reported by Committee on Labor &  
Workplace Standards

MAJORITY recommendation: Do pass. Signed by  
Representatives Berry, Chair; Fosse, Vice Chair; Robertson,  
Ranking Minority Member; Schmidt, Assistant Ranking  
Minority Member; Bronoske; Connors; Doglio; Ormsby and  
Ortiz-Self.

Referred to Committee on Rules for second reading

March 27, 2023

ESSB 5102

Prime Sponsor, Early Learning & K-12  
Education: Concerning school library  
information and technology programs.  
Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting  
clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature  
finds that students with access to school  
library information and technology programs  
staffed by qualified teacher-librarians have  
improved school and life outcomes, including  
higher academic achievement, increased  
graduation rates, and increased preparedness  
for college or career pathways.  
Unfortunately, not all students have access  
to these programs statewide, leading to  
disparate outcomes. Lack of access to these  
programs disproportionately impacts low-  
income families and families of color.  
Recent findings show that access to high-  
quality school libraries was one of the most  
significant factors in closing the literacy  
gap for students experiencing poverty.  
Additionally, the legislature finds that the  
rise of misinformation and disinformation  
available through the internet necessitates  
comprehensive instruction by a qualified  
teacher-librarian in information literacy,  
digital citizenship, and media literacy for  
all K-12 students. The value of these  
programs was apparent during the COVID-19  
pandemic. School districts with qualified  
teacher-librarians and strong school library  
information and technology programs were  
better able to support teachers, students,  
and families during remote learning.

The legislature has shown support for  
school library information and technology  
programs through the passage of legislation  
clearly defining both programs and teacher-  
librarians. These programs have been  
acknowledged as critically important to  
supporting state-mandated learning goals,  
essential academic learning requirements,  
and high school graduation requirements  
through inclusion of both teacher-librarians  
and library materials as part of basic  
education in the prototypical school model.  
Teacher-librarians are seen as critical  
partners in the education of our students  
including in the equitable and successful  
use of educational technology. Despite this  
continued support from the legislature, data  
shows large areas of Washington where  
students do not have access to school  
library information and technology programs  
staffed by qualified teacher-librarians.

The legislature intends to provide access  
to high-quality school library information  
and technology programs with qualified  
teacher-librarians for students and staff at  
all K-12 levels while also recognizing the  
value of allowing local school boards to  
decide how to most effectively implement  
these essential programs for their schools  
and students.

**NEW SECTION. Sec. 2.** A new section is  
added to chapter 28A.320 RCW to read as  
follows:

By September 1, 2024, each school  
district must adopt or amend:

(1) A policy that acknowledges the  
requirement for boards of directors to  
provide every student with access to school  
library information and technology programs  
as specified in RCW 28A.320.240; and

(2) Procedures that describe how students  
can access school library information and  
technology resources and materials.

**Sec. 3.** RCW 28A.320.240 and 2015 c 27 s 1 are each amended to read as follows:

(1) The purpose of this section is to identify quality criteria for school library information and technology programs that support the student learning goals under RCW 28A.150.210, the ~~((essential academic learning requirements))~~ state learning standards under RCW 28A.655.070, and high school graduation requirements adopted under RCW 28A.230.090.

(2) (a) Every board of directors shall provide resources and materials for the operation of a school library information and technology program (s as the board deems necessary for the proper education of the district's students or as otherwise required by law or rule of the superintendent of public instruction)). Each student shall have access to a school library information and technology program, as determined by the board of directors and consistent with the requirements of this section.

(b) In accordance with (a) of this subsection (2), beginning with the 2023-24 school year, school districts of the first class, as determined in accordance with RCW 28A.300.065, must employ a minimum of one teacher-librarian for every 1,000 enrolled students.

(3) "Teacher-librarian" means a certificated teacher with a library media endorsement under rules adopted by the professional educator standards board.

(4) (a) "School library information and technology program" means a school-based program that is ((staffed)) overseen, except as provided under (b) of this subsection, by a certificated teacher-librarian and provides a broad, flexible array of services, resources, and instruction that support student mastery of the ((essential academic learning requirements)) state learning standards and state standards in all subject areas and the implementation of the district's school improvement plan.

(b) A school district of the second class, as described in RCW 28A.300.065, may staff a school library information and technology program with a noncertificated staff member if the district has made all reasonable efforts to staff the program with a certificated teacher-librarian. In such a circumstance, a school district is authorized and encouraged to partner with a nonprofit or government entity to provide staffing services including, but not limited to, a library or regional library as defined in RCW 27.12.010, or an institution of higher education as defined in RCW 28B.10.016.

(5) The teacher-librarian, through the school library information and technology program, shall collaborate as an instructional partner to help all students meet the content goals in all subject areas, and assist high school students completing high school and beyond plans required for graduation.

(6) The teacher-librarian's duties may include, but are not limited to, collaborating with his or her schools to:

(a) Integrate information and technology into curriculum and instruction, including but not limited to instructing other certificated staff about using and

integrating information and technology literacy into instruction through workshops, modeling lessons, and individual peer coaching;

(b) Provide information management instruction to students and staff about how to effectively use emerging learning technologies for school and lifelong learning, as well as in the appropriate use of computers and mobile devices in an educational setting;

(c) Help teachers and students efficiently and effectively access the highest quality information available while using information ethically;

(d) Instruct students in digital citizenship including how to be critical consumers of information and provide guidance about thoughtful and strategic use of online resources; ~~((and))~~

(e) Create a culture of reading in the school community by developing a diverse, student-focused collection of materials that ensures all students can find something of quality to read and by facilitating school-wide reading initiatives along with providing individual support and guidance for students; and

(f) Oversee classified staff, including library technicians, library assistants, and others, to implement the school library information technology program.

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.320 RCW to read as follows:

The superintendent of public instruction will provide data, information, best practices, and other assistance to help facilitate school district implementation of this act."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Eslick; Harris; Ortiz-Self; Pollet; Sandlin; Stonier and Timmons.

MINORITY recommendation: Without recommendation. Signed by Representatives Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; McClintock; and Steele.

Referred to Committee on Appropriations

March 28, 2023

2SSB 5103

Prime Sponsor, Ways & Means: Concerning payment to acute care hospitals for difficult to discharge medicaid patients. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 74.09.520 and 2022 c 255 s 4 are each amended to read as follows:

(1) The term "medical assistance" may include the following care and services subject to rules adopted by the authority or department: (a) Inpatient hospital services; (b) outpatient hospital services; (c) other laboratory and X-ray services; (d) nursing

facility services; (e) physicians' services, which shall include prescribed medication and instruction on birth control devices; (f) medical care, or any other type of remedial care as may be established by the secretary or director; (g) home health care services; (h) private duty nursing services; (i) dental services; (j) physical and occupational therapy and related services; (k) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (l) personal care services, as provided in this section; (m) hospice services; (n) other diagnostic, screening, preventive, and rehabilitative services; and (o) like services when furnished to a child by a school district in a manner consistent with the requirements of this chapter. For the purposes of this section, neither the authority nor the department may cut off any prescription medications, oxygen supplies, respiratory services, or other life-sustaining medical services or supplies.

"Medical assistance," notwithstanding any other provision of law, shall not include routine foot care, or dental services delivered by any health care provider, that are not mandated by Title XIX of the social security act unless there is a specific appropriation for these services.

(2) The department shall adopt, amend, or rescind such administrative rules as are necessary to ensure that Title XIX personal care services are provided to eligible persons in conformance with federal regulations.

(a) These administrative rules shall include financial eligibility indexed according to the requirements of the social security act providing for medicaid eligibility.

(b) The rules shall require clients be assessed as having a medical condition requiring assistance with personal care tasks. Plans of care for clients requiring health-related consultation for assessment and service planning may be reviewed by a nurse.

(c) The department shall determine by rule which clients have a health-related assessment or service planning need requiring registered nurse consultation or review. This definition may include clients that meet indicators or protocols for review, consultation, or visit.

(3) The department shall design and implement a means to assess the level of functional disability of persons eligible for personal care services under this section. The personal care services benefit shall be provided to the extent funding is available according to the assessed level of functional disability. Any reductions in services made necessary for funding reasons should be accomplished in a manner that assures that priority for maintaining services is given to persons with the greatest need as determined by the assessment of functional disability.

(4) Effective July 1, 1989, the authority shall offer hospice services in accordance with available funds.

(5) For Title XIX personal care services administered by the department, the department shall contract with area agencies on aging or may contract with a federally recognized Indian tribe under RCW 74.39A.090(3):

(a) To provide case management services to individuals receiving Title XIX personal care services in their own home; and

(b) To reassess and reauthorize Title XIX personal care services or other home and community services as defined in RCW 74.39A.009 in home or in other settings for individuals consistent with the intent of this section:

(i) Who have been initially authorized by the department to receive Title XIX personal care services or other home and community services as defined in RCW 74.39A.009; and

(ii) Who, at the time of reassessment and reauthorization, are receiving such services in their own home.

(6) In the event that an area agency on aging or federally recognized Indian tribe is unwilling to enter into or satisfactorily fulfill a contract or an individual consumer's need for case management services will be met through an alternative delivery system, the department is authorized to:

(a) Obtain the services through competitive bid; and

(b) Provide the services directly until a qualified contractor can be found.

(7) Subject to the availability of amounts appropriated for this specific purpose, the authority may offer medicare part D prescription drug copayment coverage to full benefit dual eligible beneficiaries.

(8) Effective January 1, 2016, the authority shall require universal screening and provider payment for autism and developmental delays as recommended by the bright futures guidelines of the American academy of pediatrics, as they existed on August 27, 2015. This requirement is subject to the availability of funds.

(9) Subject to the availability of amounts appropriated for this specific purpose, effective January 1, 2018, the authority shall require provider payment for annual depression screening for youth ages twelve through eighteen as recommended by the bright futures guidelines of the American academy of pediatrics, as they existed on January 1, 2017. Providers may include, but are not limited to, primary care providers, public health nurses, and other providers in a clinical setting. This requirement is subject to the availability of funds appropriated for this specific purpose.

(10) Subject to the availability of amounts appropriated for this specific purpose, effective January 1, 2018, the authority shall require provider payment for maternal depression screening for mothers of children ages birth to six months. This requirement is subject to the availability of funds appropriated for this specific purpose.

(11) Subject to the availability of amounts appropriated for this specific purpose, the authority shall:

(a) Allow otherwise eligible reimbursement for the following related to mental health assessment and diagnosis of

children from birth through five years of age:

(i) Up to five sessions for purposes of intake and assessment, if necessary;

(ii) Assessments in home or community settings, including reimbursement for provider travel; and

(b) Require providers to use the current version of the DC:0-5 diagnostic classification system for mental health assessment and diagnosis of children from birth through five years of age.

(12)(a) Subject to the availability of amounts appropriated for this specific purpose, the authority shall require or provide payment to the hospital for any day of a hospital stay in which an adult or child patient enrolled in medical assistance, including home and community services or with a medicaid managed care organization, under this chapter:

(i) Does not meet the criteria for acute inpatient level of care as defined by the authority;

(ii) Meets the criteria for discharge, as defined by the authority or department, to any appropriate placement including, but not limited to:

(A) A nursing home licensed under chapter 18.51 RCW;

(B) An assisted living facility licensed under chapter 18.20 RCW;

(C) An adult family home licensed under chapter 70.128 RCW; or

(D) A setting in which residential services are provided or funded by the developmental disabilities administration of the department, including supported living as defined in RCW 71A.10.020; and

(iii) Is not discharged from the hospital because placement in the appropriate location described in (a)(ii) of this subsection is not available.

(b) The authority shall adopt rules identifying which services are included in the payment described in (a) of this subsection and which services may be billed separately, including specific revenue codes or services required on the inpatient claim.

(c) Allowable medically necessary services performed during a stay described in (a) of this subsection shall be billed by and paid to the hospital separately. Such services may include but are not limited to hemodialysis, laboratory charges, and x-rays.

(d) Pharmacy services and pharmaceuticals shall be billed by and paid to the hospital separately.

(e) The requirements of this subsection do not alter requirements for billing or payment for inpatient care.

(f) The authority shall adopt, amend, or rescind such administrative rules as necessary to facilitate calculation and payment of the amounts described in this subsection, including for clients of medicaid managed care organizations.

(g) The authority shall adopt rules requiring medicaid managed care organizations to establish specific and uniform administrative and review processes for payment under this subsection.

(h) For patients meeting the criteria in (a)(ii)(A) of this subsection, hospitals must utilize swing beds or skilled nursing

beds to the extent the services are available within their facility and the associated reimbursement methodology prior to the billing under the methodology in (a) of this subsection, if the hospital determines that such swing bed or skilled nursing bed placement is appropriate for the patient's care needs, the patient is appropriate for the existing patient mix, and appropriate staffing is available."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

March 28, 2023

SSB 5127

Prime Sponsor, State Government & Elections: Clarifying school districts' ability to redact personal information related to a student. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

March 28, 2023

SSB 5156

Prime Sponsor, Labor & Commerce: Expanding the farm internship program. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that encouraging participation in agriculture is valuable. The farm internship program allows students to experience farming practices and get hands-on experience with farming activities. The internship program has existed since 2014 and was piloted in a few select counties. The legislature finds that this program is valuable, should be extended to all counties, and should continue without an expiration date.

**Sec. 2.** RCW 49.12.471 and 2020 c 212 s 1 are each amended to read as follows:

(1) The director shall establish a farm internship ((pilot)) project for the employment of farm interns on small farms under special certificates at wages, if any, as authorized by the department and subject to such limitations as to time, number, proportion, and length of service as provided in this section and as prescribed by the department. ((The pilot project

~~consists of the following counties: San Juan, Skagit, King, Whatcom, Kitsap, Pierce, Jefferson, Spokane, Yakima, Chelan, Grant, Island, Snohomish, Kittitas, Lincoln, Thurston, Walla Walla, Clark, Cowlitz, and Lewis.)~~

(2) A small farm may employ no more than three interns at one time under this section. For any small farm located in a county that became eligible to participate in the farm intern project on the effective date of this act, at least one of the interns employed by the farm must be an individual who has direct experience working as a migrant farmworker or whose parent or grandparent has direct experience working as a migrant farmworker.

(3) A small farm must apply for a special certificate on a form made available by the director. The application must set forth: The name of the farm and a description of the farm seeking the certificate; the type of work to be performed by a farm intern; a description of the internship program; the period of time for which the certificate is sought and the duration of an internship; the number of farm interns for which a special certificate is sought; the wages, if any, that will be paid to the farm intern; any room and board, stipends, and other remuneration the farm will provide to a farm intern; and the total number of workers employed by the farm.

(4) Upon receipt of an application, the department shall review the application and issue a special certificate to the requesting farm within fifteen days if the department finds that:

(a) The farm qualifies as a small farm;

(b) There have been no serious violations of chapter 49.46 RCW or Title 51 RCW that provide reasonable grounds to believe that the terms of an internship agreement may not be complied with;

(c) The issuance of a certificate will not create unfair competitive labor cost advantages nor have the effect of impairing or depressing wage or working standards established for experienced workers for work of a like or comparable character in the industry or occupation at which the intern is to be employed;

(d) A farm intern will not displace an experienced worker; ~~(and)~~

(e) For a small farm located in a county that became eligible to participate in the farm intern project beginning on the effective date of this act, the farm has included in the application an attestation from at least one farm intern stating that the farm intern is an individual who has direct experience working as a migrant farmworker or whose parent or grandparent has direct experience working as a migrant farmworker; and

(f) The farm demonstrates that the interns will perform work for the farm under an internship program that: (i) Provides a curriculum of learning modules and supervised participation in farm work activities designed to teach farm interns about farming practices and farm enterprises; (ii) is based on the bona fide curriculum of an educational or vocational institution; (iii) encourages the interns to participate in career and technical

education or other educational content with courses in agriculture or related programs of study at a community or technical college; and ((iii)) (iv) is reasonably designed to provide the intern with vocational knowledge and skills about farming practices and enterprises. In assessing an internship program, the department may consult with relevant college and university departments and extension programs and state and local government agencies involved in the regulation or development of agriculture.

(5) A special certificate issued under this section must specify the terms and conditions under which it is issued, including: The name of the farm; the duration of the special certificate allowing the employment of farm interns and the duration of an internship; the total number of interns authorized under the special certificate; the authorized wage rate, if any; and any room and board, stipends, and other remuneration the farm will provide to the farm intern. A farm intern may be paid at wages specified in the certificate only during the effective period of the certificate and for the duration of the internship.

(6) If the department denies an application for a special certificate, notice of denial must be mailed to the farm. The farm listed on the application may, within fifteen days after notice of such action has been mailed, file with the director a petition for review of the denial, setting forth grounds for seeking such a review. If reasonable grounds exist, the director or the director's authorized representative may grant such a review and, to the extent deemed appropriate, afford all interested persons an opportunity to be heard on such review.

(7) Before employing a farm intern, a farm must submit a statement on a form made available by the director stating that the farm understands: The requirements of the industrial welfare act, this chapter, that apply to farm interns; that the farm must pay workers' compensation premiums in the assigned intern risk class and must pay workers' compensation premiums for nonintern work hours in the applicable risk class; and that if the farm does not comply with subsection (8) of this section, the director may revoke the special certificate.

(8) The director may revoke a special certificate issued under this section if a farm fails to: Comply with the requirements of the industrial welfare act, this chapter, that apply to farm interns; pay workers' compensation premiums in the assigned intern risk class; or pay workers' compensation premiums in the applicable risk class for nonintern work hours.

(9) Before the start of a farm internship, the farm and the intern must sign a written agreement and send a copy of the agreement to the department. The written agreement must, at a minimum:

(a) Describe the internship program offered by the farm, including the skills and objectives the program is designed to teach and the manner in which those skills and objectives will be taught;



(b) Explicitly state that the intern is not entitled to unemployment benefits or minimum wages for work and activities conducted pursuant to the internship program for the duration of the internship;

(c) Describe the responsibilities, expectations, and obligations of the intern and the farm, including the anticipated number of hours of farm activities to be performed by and the anticipated number of hours of curriculum instruction provided to the intern per week;

(d) Describe the activities of the farm and the type of work to be performed by the farm intern; and

(e) ~~((Describes [Describe]))~~ Describe any wages, room and board, stipends, and other remuneration the farm will provide to the farm intern.

(10) The department must limit the administrative costs of implementing the internship ~~((pilot))~~ program by relying on farm organizations and other stakeholders to perform outreach and inform the farm community of the program and by limiting employee travel to the investigation of allegations of noncompliance with program requirements.

(11) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Farm intern" means an individual who provides services to a small farm under a written agreement and primarily as a means of learning about farming practices and farm enterprises.

(b) "Farm internship program" means an internship program described under subsection (4)(e) of this section.

(c) "Small farm" means a farm:

(i) Organized as a sole proprietorship, partnership, or corporation;

(ii) That reports on the applicant's schedule F of form 1040 or other applicable form filed with the United States internal revenue service annual sales less than ~~((two hundred fifty thousand dollars))~~ \$265,000; and

(iii) Where all the owners or partners of the farm provide regular labor to and participate in the management of the farm, and own or lease the productive assets of the farm.

(12) The department shall monitor and evaluate the farm internships authorized by this section and report to the appropriate committees of the legislature by December 31, 2024. The report must include, but not be limited to: The number of small farms that applied for and received special certificates; the number of interns employed as farm interns; the nature of the educational activities provided to the farm interns; the wages and other remuneration paid to farm interns; the number of and type of workers' compensation claims for farm interns; the employment of farm interns following farm internships; and other matters relevant to assessing farm internships authorized in this section.

~~((13) This section expires December 31, 2025.))~~

**Sec. 3.** RCW 49.46.010 and 2020 c 212 s 3 are each amended to read as follows:

As used in this chapter:

(1) "Director" means the director of labor and industries;

(2) "Employ" includes to permit to work;

(3) "Employee" includes any individual employed by an employer but shall not include:

(a) Any individual (i) employed as a hand harvest laborer and paid on a piece rate basis in an operation which has been, and is generally and customarily recognized as having been, paid on a piece rate basis in the region of employment; (ii) who commutes daily from his or her permanent residence to the farm on which he or she is employed; and (iii) who has been employed in agriculture less than thirteen weeks during the preceding calendar year;

(b) Any individual employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession;

(c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesperson as those terms are defined and delimited by rules of the director. However, those terms shall be defined and delimited by the human resources director pursuant to chapter 41.06 RCW for employees employed under the director of personnel's jurisdiction;

(d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously. If the individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of the voluntary services. The voluntary services and any compensation therefor shall not affect or add to qualification, entitlement, or benefit rights under any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(f) Any newspaper vendor, carrier, or delivery person selling or distributing newspapers on the street, to offices, to businesses, or from house to house and any freelance news correspondent or "stringer" who, using his or her own equipment, chooses to submit material for publication for free or a fee when such material is published;

(g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

(h) Any individual engaged in forest protection and fire prevention activities;

(i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in

the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

(j) Any individual whose duties require that he or she reside or sleep at the place of his or her employment or who otherwise spends a substantial portion of his or her work time subject to call, and not engaged in the performance of active duties;

(k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution;

(l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature;

(m) All vessel operating crews of the Washington state ferries operated by the department of transportation;

(n) Any individual employed as a seaman on a vessel other than an American vessel;

(o) ~~((Until December 31, 2025, any))~~ Any farm intern providing his or her services to a small farm which has a special certificate issued under RCW 49.12.471;

(p) An individual who is at least ~~((sixteen))~~ 16 years old but under twenty-one years old, in his or her capacity as a player for a junior ice hockey team that is a member of a regional, national, or international league and that contracts with an arena owned, operated, or managed by a public facilities district created under chapter 36.100 RCW;

(4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

(5) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed;

(6) "Retail or service establishment" means an establishment seventy-five percent of whose annual dollar volume of sales of goods or services, or both, is not for resale and is recognized as retail sales or services in the particular industry;

(7) "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by rules of the director.

**Sec. 4.** RCW 50.04.152 and 2020 c 212 s 2 are each amended to read as follows:

(1) Except for services subject to RCW 50.44.010, 50.44.020, 50.44.030, or 50.50.010, the term "employment" does not include service performed in agricultural labor by a farm intern providing his or her services under a farm internship program as established in RCW 49.12.471.

(2) For purposes of this section, "agricultural labor" means:

(a) Services performed on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment;

(b) Services performed in packing, packaging, grading, storing, or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations. The exclusions from the term "employment" provided in this subsection (2)(b) are not applicable with respect to commercial packing houses, commercial storage establishments, commercial canning, commercial freezing, or any other commercial processing or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or raising and harvesting of mushrooms; or

(c) Direct local sales of any agricultural or horticultural commodity after its delivery to a terminal market for distribution or consumption.

~~((3) This section expires December 31, 2025.)~~

**Sec. 5.** RCW 51.16.243 and 2020 c 212 s 4 are each amended to read as follows:

(1) The department shall adopt rules to provide special workers' compensation risk class or classes for farm interns providing agricultural labor pursuant to a farm internship program under RCW 49.12.471. The rules must include any requirements for obtaining a special risk class that must be met by small farms.

~~((2) This section expires December 31, 2025.)~~

**NEW SECTION. Sec. 6.** 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.

Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

March 28, 2023

ESSB 5231

Prime Sponsor, Law & Justice: Concerning the issuance of emergency domestic violence no-contact orders. Reported by Committee on Civil Rights & Judiciary

## MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 10.99.040 and 2021 c 215 s 122 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; ~~((and))~~

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence;

(e) Shall not deny issuance of a no-contact order based on the existence of an applicable civil protection order preventing the defendant from contacting the victim; and

(f) When issuing a no-contact order, shall attempt to determine whether there are any other active no-contact orders, protection orders, or restraining orders involving the defendant to assist the court in ensuring that any no-contact order it may impose does not lessen protections imposed by other courts under other such orders.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim and others. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. ~~((If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the))~~ The court authorizing release may issue ~~(, by telephone,))~~ a no-contact order ~~((prohibiting))~~ that:

(i) Prohibits the person charged or arrested from ~~((having))~~ making any attempt to contact ~~((with the victim or)),~~ including nonphysical contact, the victim or the victim's family or household members, either directly, indirectly, or through a third party;

(ii) Excludes the defendant from a residence shared with the victim, or from a workplace, school, or child care;

(iii) Prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or vehicle; and

(iv) Includes other related prohibitions to reduce risk of harm.

~~((In issuing the order, the court shall consider the provisions of))~~ The court shall verify that the requirements of RCW 10.99.030(3) have been satisfied, including that a sworn statement of a peace officer has been submitted to the court, documenting that the responding peace officers separated the parties and asked the victim or victims at the scene about firearms, other dangerous weapons, and ammunition that the defendant owns or has access to, and whether the defendant has a concealed pistol license. If the sworn statement of a peace officer or other information provided to the court indicates there may be a risk of harm if the defendant has access to firearms, dangerous weapons, or an active concealed pistol license, the court shall verify that peace officers have temporarily removed and secured all the firearms, dangerous weapons, and any concealed pistol license. The court shall then determine whether an order to surrender and prohibit weapons or an extreme risk protection order should be issued pursuant to RCW 9.41.800 or chapter 7.105 RCW, ~~((and shall order the defendant to surrender, and prohibit))~~ prohibiting the ~~((person))~~ defendant from possessing, ~~((all))~~ purchasing, receiving, having in the defendant's control or custody, accessing, or attempting to purchase or receive, any firearms, dangerous weapons, and any concealed pistol license and shall order the defendant to surrender, and prohibit the defendant from possessing, any firearms, dangerous weapons, and any concealed pistol license as required in RCW 9.41.800, or shall issue an extreme risk protection order as required by chapter 7.105 RCW. The court may make these determinations on the record or off the record with a written explanation when declining to impose the restrictions authorized in this subsection.

~~((c) The no-contact order shall also be issued in writing as soon as possible, and shall state that it may be extended as provided in subsection (3) of this section. By January 1, 2011, the administrative office of the courts shall develop a pattern form for all no-contact orders issued under this chapter. A no-contact order issued under this chapter must substantially comply with the pattern form developed by the administrative office of the courts.))~~

(3)(a) At the time of arraignment, the court shall review the defendant's firearms purchase history provided by the prosecutor pursuant to RCW 10.99.045, and any other firearms information provided by law enforcement or court or jail staff, and shall determine whether a no-contact order, an order to surrender and prohibit weapons, or an extreme risk protection order shall be issued or, if previously issued, extended.

(b) So long as the court finds probable cause, the court may issue or extend a no-contact order, an order to surrender and prohibit weapons, or an extreme risk protection order, even if the defendant fails to appear at arraignment. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed. To the extent the court is aware, the court shall advise the defendant of the

ongoing requirements of any other no-contact, restraining, or protection order that remains in effect.

~~((b) In issuing the order, the court shall consider all information documented in the incident report concerning the person's possession of and access to firearms and whether law enforcement took temporary custody of firearms at the time of the arrest. The court may as a condition of release prohibit the defendant from possessing or accessing firearms and order the defendant to immediately surrender all firearms and any concealed pistol license to a law enforcement agency upon release.))~~

(c) If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring as defined in RCW 9.94A.030. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4) (a) ~~Willful violation of a court order issued under ((subsection (2), (3), or (7) of)) this section is punishable as provided under RCW 7.105.450 or 7.105.460, or chapter 9.41 RCW.~~

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 7.105 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) (a) ~~A peace officer may request, on an ex parte basis and before criminal charges or a petition for a protection order or an extreme risk protection order have been filed, an emergency no-contact order, order to surrender and prohibit weapons, or extreme risk protection order from a judicial officer on behalf of and with the consent of the victim of an alleged act involving domestic violence if the victim is able to provide such consent. If the victim is incapacitated as a result of the alleged act of domestic violence, a peace officer may request an emergency no-contact order, order to surrender and prohibit weapons, or extreme risk protection order on his or her behalf. The request shall be made based upon the sworn statement of a peace officer and may be made in person, by telephone, or by electronic means. If the court finds probable cause to believe that the victim is in imminent danger of domestic violence based on an allegation of the recent commission of an act involving domestic violence, the court shall issue an emergency no-contact order and an order to surrender~~

~~and prohibit weapons or an extreme risk protection order as required by RCW 9.41.800 or chapter 7.105 RCW. An emergency no-contact order issued by a court will remain in effect until either the court terminates the emergency no-contact order, the court finds probable cause for a referred crime, or an ex parte hearing is held on a petition for a protection order or extreme risk protection order.~~

~~(b) If the court issues an order to surrender and prohibit weapons or an extreme risk protection order, and has not verified that peace officers have temporarily removed and secured all firearms and dangerous weapons, and any concealed pistol license, all orders issued by the court must be personally served by a peace officer and the peace officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search, as required by RCW 9.41.801.~~

~~(c) If the court does not issue an order to surrender and prohibit weapons or an extreme risk protection order, or has verified that all firearms, dangerous weapons, and any concealed pistol license have been temporarily removed by law enforcement, service of the court's orders may be effected electronically. Electronic service must be effected by a law enforcement agency transmitting copies of the petition and any supporting materials filed with the petition, any notice of hearing, and any orders, or relevant materials for motions, to the defendant at the defendant's electronic address or the defendant's electronic account associated with email, text messaging, social media applications, or other technologies. Verification of notice is required and may be accomplished through read-receipt mechanisms, a response, a sworn statement from the person who effected service verifying transmission and any follow-up communications such as email or telephone contact used to further verify, or an appearance by the defendant at a hearing. Sworn proof of service must be filed with the court by the person who effected service.~~

~~(d) A no-contact order, order to surrender and prohibit weapons, or extreme risk protection order authorized by telephonic or electronic means shall also be issued in writing as soon as possible and shall state that it may be extended as provided in subsection (3) of this section.~~

~~(6) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed.~~

~~((6)) (7) Whenever ((a no-contact)) an order is issued, modified, or terminated under ((subsection (2) or (3) of)) this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information~~

system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

~~((7) All courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a no-contact order issued under this chapter. The administrative office of the courts shall develop a model policy to assist the courts in implementing the requirements of this subsection.))~~

(8) For the purposes of this section, and unless context clearly requires otherwise, "emergency no-contact order" means a no-contact order issued by a court of competent jurisdiction before criminal charges have been filed or before a petition for a protection order or extreme risk protection order has been filed.

**NEW SECTION. Sec. 2.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; and Rude.

MINORITY recommendation: Without recommendation. Signed by Representative Cheney.

Referred to Committee on Rules for second reading

March 27, 2023

SSB 5235

Prime Sponsor, Local Government, Land Use & Tribal Affairs: Concerning accessory dwelling units. Reported by Committee on Housing

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that there is a shortage of affordable housing units available for home ownership or long-term rental within most urban growth areas of the state. This lack of affordable housing forces many residents to spend more than 30 percent of their household income on housing, greatly increasing housing insecurity and contributing to the state's crisis of unacceptable numbers of persons experiencing homelessness. Increasing the availability of accessory dwelling units,

also referred to as "ADUs," may increase opportunities for people to age in their own home and increase multigenerational family ties along with offering opportunities to reduce intergenerational poverty by increasing home ownership. The legislature finds that accessory dwelling units can be one way to add affordable long-term housing and to provide a needed increase in housing density within urban growth areas with benefits to reducing fossil fuel use and other contributions to climate change due to housing and transportation patterns. The legislature seeks to encourage accessory dwelling unit availability as a modest housing option by streamlining local government regulations that may unintentionally make accessory dwelling units less economical. Since residents in a region may be choosing between cities, it is important to acknowledge that one city cannot build affordability on its own. An expansion in supply of affordable housing in a small city, but not neighboring cities, may satisfy some of the demand for affordable housing, but without a regional strategy, small cities will not be able to build affordability on their own. Statewide action is needed. Furthermore, the legislature finds that research from several cities shows that when accessory dwelling units are built or that are converted and offered for short-term rental for tourists and business visitors, they may not improve housing affordability. Therefore, it is the intent of the legislature to meet these important policy goals by increasing the availability of accessory dwelling units as modest housing options, limiting the restrictions that can be imposed on the development and use of accessory dwelling units within urban growth areas, and authorizing local governments to adopt programs to incentivize or reduce local government-imposed cost or time related obstacles to the development of accessory dwelling units when the accessory dwelling units will be utilized for long-term housing.

**Sec. 2.** RCW 36.70A.070 and 2022 c 246 s 2 and 2022 c 220 s 1 are each reenacted and amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land

use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes;

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes;

(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration ~~((of the role))~~ and utilization of accessory dwelling units in meeting housing needs in compliance with RCW 36.70A.698;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo

racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

The adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city that is required or chooses to plan under RCW 36.70A.040 that increase housing capacity, increase housing affordability, and mitigate displacement as required under this subsection (2) and that apply outside of critical areas are not subject to administrative or judicial appeal under chapter 43.21C RCW unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities ~~((r))~~ including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5) (d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5) (d) (i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or

intensity may be permitted subject to confirmation from all existing providers of public facilities and public services of sufficient capacity of existing public facilities and public services to serve any new or additional demand from the new development or redevelopment. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5) and is consistent with the local character. Any commercial development or redevelopment within a mixed-use area must be principally designed to serve the existing and projected rural population and must meet the following requirements:

(I) Any included retail or food service space must not exceed the footprint of previously occupied space or 5,000 square feet, whichever is greater, for the same or similar use; and

(II) Any included retail or food service space must not exceed 2,500 square feet for a new use;

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas shall not extend beyond the logical outer boundary of the existing area, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where

there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of this subsection (5) (d), an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of

the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the office of financial management's ~~((ten-year))~~ 10-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ~~((ten))~~ 10 years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ~~((ten-year))~~ 10-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level



of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ~~((ten-year))~~ 10-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ~~((ten-year))~~ 10-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

**Sec. 3.** RCW 36.70A.696 and 2021 c 306 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 36.70A.697 and 36.70A.698 unless the context clearly requires otherwise.

(1) "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

(2) "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit. An attached accessory dwelling unit must have a substantial portion of its footprint within the other housing unit, and must share structural elements with the other unit.

(3) "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.

(4) "County" means any county planning under RCW 36.70A.040.

(5) "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.

(6) "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

(7) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of ~~((at least fifteen))~~ no greater than 15 minutes for at least five hours during the peak hours of operation on weekdays.

(8) ~~((("Owner" means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.~~

~~(9))~~ "Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.

**Sec. 4.** RCW 36.70A.697 and 2020 c 217 s 3 are each amended to read as follows:

(1) Cities and counties must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of RCW 36.70A.698 to take effect by the time of the city's or county's next comprehensive plan update after July 1, 2021.

(2) Beginning ~~((July 1, 2021))~~ after the deadline in subsection (1) of this section, the requirements of RCW 36.70A.698:

(a) Apply and take effect in any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section; and

(b) Supersede, preempt, and invalidate any local development regulations that conflict with RCW 36.70A.698.

**Sec. 5.** RCW 36.70A.698 and 2020 c 217 s 4 are each amended to read as follows:

~~(1) ((Except as provided in subsection[~~s~~])  
(2) and (3) of this section, through ordinances, development regulations, zoning regulations, and other official controls as required under RCW 36.70A.697, cities)) Cities and counties may not ((require)) prohibit the construction of accessory dwelling units on residentially zoned lots within urban growth areas.~~

~~(2) When regulating accessory dwelling units, cities and counties may not:~~

~~(a) Impose a limit on accessory dwelling units of fewer than one attached and one detached accessory dwelling unit on a lot zoned for residential use with a total square footage of more than 4,500 square feet, unless the lot is otherwise zoned to allow:~~

~~(i) At least two dwelling units, in which case at least one additional attached or detached accessory dwelling unit must be allowed;~~

~~(ii) At least three dwelling units;~~

~~(b) Impose a limit on accessory dwelling units of fewer than one attached or one detached accessory dwelling unit on a lot zoned for residential use with a total square footage of less than 4,500 square feet, unless the lot is otherwise zoned to allow at least two dwelling units;~~

~~(c) Impose any prohibition of the sale or other conveyance of a condominium unit independently of a principal unit that is based solely on the grounds that the condominium unit was originally built as an accessory dwelling unit, provided that the condominium unit is served by utilities that are independent of the principal unit;~~

~~(d) Impose any owner occupancy requirements on any housing or dwelling unit on a lot containing an accessory dwelling unit. A city or county may retain an owner occupancy requirement if:~~

~~(i) An accessory dwelling unit on the lot is offered or used for short-term rental as defined in RCW 36.70A.696; or~~

~~(ii) The city or county administers a general program, begun prior to December 31, 2022, offering the waiver or reduction of impact fees and costs associated with accessory dwelling unit construction, if the units are offered at or below 80 percent of the area median income;~~

~~(e) Require the provision of off-street parking for accessory dwelling units within one-quarter mile of a major transit stop, except that a city or county may require the provision of off-street parking for such an accessory dwelling unit if the city or county makes a determination, supported by evidence, that the accessory dwelling unit is in an area that would make on-street parking infeasible or unsafe for the accessory dwelling unit; or~~

~~(f) Apply other development regulations to the construction of accessory dwelling units that are more restrictive than regulations on single-family or other residential developments.~~

~~((2) A city may require the provision of off-street parking for an accessory dwelling unit located within one-quarter mile of a major transit stop if the city has determined that the accessory dwelling unit~~

~~is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the accessory dwelling unit.~~

~~(3) A city that has adopted or substantively amended accessory dwelling unit regulations within the four years previous to June 11, 2020, is not subject to the requirements of this section.)~~

~~(3) Regulations that may be applied to accessory dwelling units by cities and counties include:~~

~~(a) Generally applicable development regulations;~~

~~(b) Public health, safety, building code, and environmental permitting requirements, including regulations to protect ground and surface waters from on-site wastewater, that would be applicable to a principal unit;~~

~~(c) A prohibition on the construction of accessory dwelling units on lots that are not connected to or served by public sewers;~~

~~(d) A prohibition or restriction on the construction of accessory dwelling units in residential zones with a density of one dwelling unit per acre or less that are within areas designated as wetlands, fish and wildlife habitats, floodplains, or geologically hazardous areas.~~

~~(4) This section and section 4 of this act apply only within urban growth areas required by this chapter.~~

**NEW SECTION. Sec. 6.** A new section is added to chapter 36.70A RCW to read as follows:

To encourage the use of accessory dwelling units for long-term housing, cities and counties may adopt ordinances, development regulations, and other official controls which waive or defer fees, including impact fees; defer the payment of taxes; or waive specific regulations. Cities and counties may only offer such reduced or deferred fees, deferred taxes, waivers, or other incentives for the development or construction of accessory dwelling units if such units are subject to effective binding commitments or covenants that the units will not be regularly offered for short-term rental.

**NEW SECTION. Sec. 7.** A new section is added to chapter 64.32 RCW to read as follows:

(1) Except for restrictive covenants or deed restrictions created to protect public health and safety or to protect ground and surface waters from on-site wastewater, no restrictive covenant or deed restriction created after the effective date of this section and applicable to a property located within an urban growth area may impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under RCW 36.70A.698.

(2) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive

covenant or deed restriction that was created after the effective date of this section and that is contrary to subsection (1) of this section.

**NEW SECTION. Sec. 8.** A new section is added to chapter 64.34 RCW to read as follows:

(1) Except for restrictive covenants or deed restrictions created to protect public health and safety or to protect ground and surface waters from on-site wastewater, no restrictive covenant or deed restriction created after the effective date of this section and applicable to a property located within an urban growth area may impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under RCW 36.70A.698.

(2) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction that was created after the effective date of this section and that is contrary to subsection (1) of this section.

**NEW SECTION. Sec. 9.** A new section is added to chapter 64.38 RCW to read as follows:

(1) Except for restrictive covenants or deed restrictions created to protect public health and safety or to protect ground and surface waters from on-site wastewater, no restrictive covenant or deed restriction created after the effective date of this section and applicable to a property located within an urban growth area may impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is located would be prohibited from imposing under RCW 36.70A.698.

(2) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction that was created after the effective date of this section and that is contrary to subsection (1) of this section.

**NEW SECTION. Sec. 10.** A new section is added to chapter 64.90 RCW to read as follows:

(1) Except for restrictive covenants or deed restrictions created to protect public health and safety or to protect ground and surface waters from on-site wastewater, no restrictive covenant or deed restriction created after the effective date of this section and applicable to a property located within an urban growth area may impose any restriction or prohibition on the construction, development, or use on a lot of an accessory dwelling unit that the city or county in which the urban growth area is

located would be prohibited from imposing under RCW 36.70A.698.

(2) A city or county issuing a permit for the construction of an accessory dwelling unit may not be held civilly liable on the basis that the construction of the accessory dwelling unit would violate a restrictive covenant or deed restriction that was created after the effective date of this section and that is contrary to subsection (1) of this section."

Correct the title.

Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Low; Reed and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Connors, Assistant Ranking Minority Member; and Hutchins.

Referred to Committee on Rules for second reading

March 27, 2023

**E2SSB 5243** Prime Sponsor, Ways & Means: Concerning high school and beyond planning. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature recognizes that the high school and beyond plan is both a graduation requirement and a critical component in our education system. However, the practices and technologies that school districts employ for facilitating high school and beyond plans vary significantly. These variances can create inequities for students and families, and do not reflect the legislature's vision for the role of the high school and beyond plan in promoting student success in secondary and postsecondary endeavors.

(2) A universal online high school and beyond plan platform that can be readily accessed by students, parents, teachers, and others who support academic progress will alleviate equity issues and create new opportunities for students to develop and curate plans that align with their needs and interests. With the assistance of a flexible, portable, and expandable platform, all students with high school and beyond plans will be able to easily personalize and revise their plans, explore education options of relevance and interest, and receive supports that will help them make informed choices about their education and career objectives.

(3) The legislature, therefore, intends to revise and strengthen high school and beyond plan requirements and to direct the office of the superintendent of public instruction to facilitate the transition to a universal online high school and beyond plan platform to guide students' secondary education experiences and ensure preparation for their postsecondary goals.

**Sec. 2.** RCW 28A.230.090 and 2021 c 307 s 2 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students, except as provided in RCW 28A.230.122 and 28A.655.250 and except those equivalencies established by local high schools or school districts under RCW 28A.230.097. The purpose of a high school diploma is to declare that a student is ready for success in postsecondary education, gainful employment, and citizenship, and is equipped with the skills to be a lifelong learner.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) Except as provided otherwise in this subsection, the certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation. The requirement to earn a certificate of academic achievement to qualify for graduation from a public high school concludes with the graduating class of 2019. The obligation of qualifying students to earn a certificate of individual achievement as a prerequisite for graduation from a public high school concludes with the graduating class of 2021.

(c) ~~((i))~~ Each student must have a high school and beyond plan to guide the student's high school experience and inform course taking that is aligned with the student's goals for education or training and career after high school ~~((-~~

~~((ii))~~ (A) A high school and beyond plan must be initiated for each student during the seventh or eighth grade. In preparation for initiating that plan, each student must first be administered a career interest and skills inventory.

~~((B))~~ For students with an individualized education program, the high school and beyond plan must be developed in alignment with their individualized education program. The high school and beyond plan must be developed in a similar manner and with similar school personnel as for all other students.

~~((iii))~~ (A) The high school and beyond plan must be updated to reflect high school assessment results in RCW 28A.655.070(3)(b) and to review transcripts, assess progress toward identified goals, and revised as necessary for changing interests, goals, and needs. The plan must identify available interventions and academic support, courses, or both, that are designed for students who are not on track to graduate, to enable them to fulfill high school graduation requirements. Each student's high school and beyond plan must be updated to inform junior year course taking.

~~((B))~~ For students with an individualized education program, the high school and beyond plan must be updated in alignment with their school to postsecondary transition plan. The high school and beyond plan must

~~be updated in a similar manner and with similar school personnel as for all other students.~~

~~((iv))~~ School districts are encouraged to involve parents and guardians in the process of developing and updating the high school and beyond plan, and the plan must be provided to the students' parents or guardians in their native language if that language is one of the two most frequently spoken non-English languages of students in the district. Nothing in this subsection ~~((1))~~ ~~((e))~~ ~~((iv))~~ prevents districts from providing high school and beyond plans to parents and guardians in additional languages that are not required by this subsection.

~~((v))~~ All high school and beyond plans must, at a minimum, include the following elements:

~~((A))~~ Identification of career goals, aided by a skills and interest assessment;

~~((B))~~ Identification of educational goals;

~~((C))~~ Identification of dual credit programs and the opportunities they create for students, including eligibility for automatic enrollment in advanced classes under RCW 28A.320.195, career and technical education programs, running start programs, AP courses, international baccalaureate programs, and college in the high school programs;

~~((D))~~ Information about the college bound scholarship program established in chapter 28B.118 RCW;

~~((E))~~ A four-year plan for course taking that:

~~((I))~~ Includes information about options for satisfying state and local graduation requirements;

~~((II))~~ Satisfies state and local graduation requirements;

~~((III))~~ Aligns with the student's secondary and postsecondary goals, which can include education, training, and career;

~~((IV))~~ Identifies course sequences to inform academic acceleration, as described in RCW 28A.320.195 that include dual credit courses or programs and are aligned with the student's goals; and

~~((V))~~ Includes information about the college bound scholarship program, the Washington college grant, and other scholarship opportunities;

~~((F))~~ Evidence that the student has received the following information on federal and state financial aid programs that help pay for the costs of a postsecondary program:

~~((I))~~ Information about the documentation necessary for completing the applications; application timeliness and submission deadlines; the importance of submitting applications early; information specific to students who are or have been in foster care; information specific to students who are, or are at risk of being, homeless; information specific to students whose family member or guardians will be required to provide financial and tax information necessary to complete applications; and

~~((II))~~ Opportunities to participate in sessions that assist students and, when necessary, their family members or guardians, fill out financial aid applications; and

~~(G) By the end of the twelfth grade, a current resume or activity log that provides a written compilation of the student's education, any work experience, and any community service and how the school district has recognized the community service pursuant to RCW 28A.320.193.~~

~~(d)) as provided for under section 3 of this act and RCW 28A.230.215.~~ Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level. Effective with the graduating class of 2015, the state board of education may not establish a requirement for students to complete a culminating project for graduation. A district may establish additional, local requirements for a high school and beyond plan to serve the needs and interests of its students and the purposes of this section.

~~((+e)) (d) (i)~~ The state board of education shall adopt rules to implement the career and college ready graduation requirement proposal adopted under board resolution on November 10, 2010, and revised on January 9, 2014, to take effect beginning with the graduating class of 2019 or as otherwise provided in this subsection (1) ~~((+e)) (d)~~. The rules must include authorization for a school district to waive up to two credits for individual students based on a student's circumstances, provided that none of the waived credits are identified as mandatory core credits by the state board of education. School districts must adhere to written policies authorizing the waivers that must be adopted by each board of directors of a school district that grants diplomas. The rules must also provide that the content of the third credit of mathematics and the content of the third credit of science may be chosen by the student based on the student's interests and high school and beyond plan with agreement of the student's parent or guardian or agreement of the school counselor or principal, or as provided in RCW 28A.230.300(4).

(ii) School districts may apply to the state board of education for a waiver to implement the career and college ready graduation requirement proposal beginning with the graduating class of 2020 or 2021 instead of the graduating class of 2019. In the application, a school district must describe why the waiver is being requested, the specific impediments preventing timely implementation, and efforts that will be taken to achieve implementation with the graduating class proposed under the waiver. The state board of education shall grant a waiver under this subsection (1) ~~((+e)) (d)~~ to an applying school district at the next subsequent meeting of the board after receiving an application.

~~((+iii)) A school district must update the high school and beyond plans for each student who has not earned a score of level 3 or level 4 on the middle school mathematics assessment identified in RCW 28A.655.070 by ninth grade, to ensure that the student takes a mathematics course in both ninth and tenth grades. This course may include career and technical education~~

~~equivalencies in mathematics adopted pursuant to RCW 28A.230.097.)~~

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to ~~((earn a certificate of academic achievement,))~~ complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements.

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review. The legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized and funded by the legislature through the omnibus appropriations act or other enacted legislation.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) Unless requested otherwise by the student and the student's family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses

under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.230 RCW to read as follows:

(1) This section establishes the school district, content, and other substantive requirements for the high school and beyond plan required by RCW 28A.230.090.

(2)(a) Beginning by the seventh grade, each student must be administered a career interest and skills inventory which is intended to be used to inform eighth grade course taking and development of an initial high school and beyond plan. No later than eighth grade, each student must have begun development of a high school and beyond plan that includes a proposed plan for first-year high school courses aligned with graduation requirements and secondary and postsecondary goals.

(b) For each student who has not earned a score of level 3 or 4 on the middle school mathematics assessment identified in RCW 28A.655.070 by ninth grade, the high school and beyond plan must be updated to ensure that the student takes a mathematics course in both ninth and 10th grades. These courses may include career and technical education equivalencies in mathematics adopted pursuant to RCW 28A.230.097.

(3) With staff support, students must update their high school and beyond plan annually, at a minimum, to review academic progress and inform future course taking.

(a) The high school and beyond plan must be updated in 10th grade to reflect high school assessment results in RCW 28A.655.061, ensure student access to advanced course options per the district's academic acceleration policy in RCW 28A.320.195, assess progress toward identified goals, and revised as necessary for changing interests, goals, and needs.

(b) Each school district shall provide students who have not met the standard on state assessments or who are behind in completion of credits or graduation pathway options with the opportunity to access interventions and academic supports, courses, or both, designed to enable students to meet all high school graduation requirements. The parents or legal guardians shall be notified about these opportunities as included in the student's high school and beyond plan, preferably through a student-led conference, including the parents or legal guardians, and at least annually until the student is on track to graduate.

(c) For students with an individualized education program, the high school and beyond plan must be developed and updated in alignment with their school to postschool transition plan. The high school and beyond plan must be developed and updated in a similar manner and with similar school personnel as for all other students.

(4) School districts shall involve parents and legal guardians to the greatest extent feasible in the process of developing and updating the high school and beyond plan.

(a) The plan must be provided to the student and the students' parents or legal guardians in a language the student and parents or legal guardians understand and in accordance with the school district's language access policy and procedures as required under chapter 28A.183 RCW, which may require language assistance for students and parents or legal guardians with limited English proficiency.

(b) School districts must annually provide students in grades eight through 12 and their parents or legal guardians with comprehensive information about the graduation pathway options offered by the district and are strongly encouraged to begin providing this information beginning in sixth grade. School districts must provide this information in a manner that conforms with the school district's language access policy and procedures as required under chapter 28A.183 RCW.

(5) School districts are strongly encouraged to partner with student serving, community-based organizations that support career and college exploration and preparation for postsecondary and career pathways. Partnerships may include high school and beyond plan coordination and planning, data sharing agreements, and safe and secure access to individual student's high school and beyond plans.

(6) All high school and beyond plans must, at a minimum, include the following elements:

(a) Identification of career goals and interests, aided by a skills and interest assessment;

(b) Identification of secondary and postsecondary education and training goals;

(c) An academic plan for course taking that:

(i) Informs students about course options for satisfying state and local graduation requirements;

(ii) Satisfies state and local graduation requirements;

(iii) Aligns with the student's secondary and postsecondary goals, which can include education, training, and career preparation;

(iv) Identifies available advanced course sequences per the school district's academic acceleration policy, as described in RCW 28A.320.195, that include dual credit courses or other programs and are aligned with the student's postsecondary goals;

(v) Informs students about the potential impacts of their course selections on postsecondary opportunities;

(vi) Identifies available career and technical education equivalency courses that can satisfy core subject area graduation requirements under RCW 28A.230.097;

(vii) If applicable, identifies career and technical education and work-based learning opportunities that can lead to technical college certifications and apprenticeships; and

(viii) If applicable, identifies opportunities for credit recovery and acceleration, including partial and mastery-

based credit accrual to eliminate barriers for on-time grade level progression and graduation per RCW 28A.320.192;

(d) Evidence that the student has received the following information on federal and state financial aid programs that help pay for the costs of a postsecondary program:

(i) The college bound scholarship program established in chapter 28B.118 RCW, the Washington college grant created in RCW 28B.92.200, and other scholarship opportunities;

(ii) The documentation necessary for completing state and federal financial aid applications; application timeliness and submission deadlines; and the importance of submitting applications early;

(iii) Information specific to students who are or have been the subject of a dependency proceeding pursuant to chapter 13.34 RCW, who are or are at risk of being homeless, and whose family member or legal guardian will be required to provide financial and tax information necessary to complete applications;

(iv) Opportunities to participate in advising days and seminars that assist students and, when necessary, their parents or legal guardians, with filling out financial aid applications in accordance with RCW 28A.300.815; and

(v) A sample financial aid letter and a link to the financial aid calculator created in RCW 28B.77.280; and

(e) By the end of the 12th grade, a current resume or activity log that provides a written compilation of the student's education, any work experience, extracurricular activities, and any community service including how the school district has recognized the community service pursuant to RCW 28A.320.193.

(7) In accordance with RCW 28A.230.090(1) (c) any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level, and a school district may establish additional, local requirements for a high school and beyond plan to serve the needs and interests of its students and the purposes of this section.

(8) The state board of education shall adopt rules to implement this section.

**Sec. 4.** RCW 28A.230.215 and 2020 c 307 s 7 are each amended to read as follows:

(1) The legislature finds that fully realizing the potential of high school and beyond plans as meaningful tools for articulating and revising pathways for graduation will require additional school counselors and family coordinators. The legislature further finds that the development and implementation of an online electronic platform for high school and beyond plans will be an appropriate and supportive action that will assist students, parents and guardians, educators, ~~(and) school counselors, and other staff~~ who support students' career and college preparation as the legislature explores options for funding additional school counselors.

~~(2) ((Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall facilitate the creation of a list of available electronic platforms for the high school and beyond plan. Platforms eligible to be included on the list must meet the following requirements:~~

~~(a) Enable students to create, personalize, and revise their high school and beyond plan as required by RCW 28A.230.090;~~

~~(b) Grant parents or guardians, educators, and counselors appropriate access to students' high school and beyond plans;~~

~~(c) Employ a sufficiently flexible technology that allows for subsequent modifications necessitated by statutory changes, administrative changes, or both, as well as enhancements to improve the features and functionality of the platform;~~

~~(d) Include a sample financial aid letter and a link to the financial aid calculator created in RCW 28B.77.280, at such a time as those materials are finalized;~~

~~(e) Comply with state and federal requirements for student privacy;~~

~~(f) Allow for the portability between platforms so that students moving between school districts are able to easily transfer their high school and beyond plans; and~~

~~(g) To the extent possible, include platforms in use by school districts during the 2018-19 school year.~~

~~(3)) Beginning in the 2020-21 school year, each school district must ensure that an electronic high school and beyond plan platform is available to all students who are required to have a high school and beyond plan.~~

((4)) (3) The office of the superintendent of public instruction shall facilitate the transition to a universal online high school and beyond plan platform that will ensure consistent and equitable access to the needed information and support to guide students' educational experience and ensure preparation for their postsecondary plans.

(a) By January 1, 2024, the office of the superintendent of public instruction must develop a preliminary list of existing vendors who can provide or build a platform that meets the criteria outlined in subsection (4) of this section and that supports the high school and beyond plan elements identified in section 3 of this act and has the capabilities to support the new elements identified in section 5 of this act. The office of the superintendent of public instruction must submit the list of existing vendors and estimated costs associated with statewide implementation of the universal platform to the governor and the education policy and fiscal committees of the legislature.

(b) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must select the vendor that will be responsible for developing the universal platform by June 1, 2024.

(c) By October 1, 2024, the office of the superintendent of public instruction must develop an implementation plan including

both an estimated timeline and updated cost estimates, including the technical assistance, technology updates, ongoing maintenance requirements, and adjustments to the technology funding formula, and statewide professional development that may be needed, for completing full statewide implementation of the universal platform in all school districts. In the implementation plan, the office of the superintendent of public instruction may include a cost alternative for educational service districts to host the universal platform for school districts of the second class when such a district does not have sufficient technology resources to implement and maintain the universal platform.

(4)(a) In addition to the requirements outlined in section 3 of this act, the universal platform must have the capability to be routinely updated and modified in order to include the following elements and capabilities to ensure equity in high school and beyond plans implementation and engagement across the state that:

(i) Enable students to create, personalize, and revise their high school and beyond plan;

(ii) Comply with all necessary state and federal requirements for student privacy and allow for students to opt in or opt out of portions of the universal platform related to third-party information sharing;

(iii) Use technology that can quickly be adapted to include future statutory changes, administrative changes, or both, as well as integrate enhancements to improve the features and functionality;

(iv) Facilitate the automatic import of academic course, credit, and grade data at a regular interval from the most commonly used district student information system platforms and manual import from less commonly used systems so that students' progress towards graduation in the high school beyond plan is accurately reflected at any given time;

(v) Allow for translation into the most common non-English languages across the state in accordance with the model language access policy and procedures as required under chapter 28A.183 RCW;

(vi) Include multiple and varied in-platform assessments with viewable results that can inform career and postsecondary goals including, but not limited to, personality, learning styles, interests, aptitudes, and skills assessments;

(vii) Include a catalog containing meaningful, high quality career exploration opportunities and resources beyond the traditional college, career, and aptitude assessments that are submitted by approved entities (community organizations, institutions of higher education that are authorized to participate in state financial aid programs under chapter 28B.92 RCW, and employers) and vetted by state-selected approvers that allow students to register for or apply to participate in the opportunities (programs, classes, internships, preapprenticeships, online courses, etc.) or access the resources. The universal platform should use completion data from these opportunities to make

recommendations to students to include in their high school beyond plans;

(viii) A dedicated space in which to build a direct connection to potential employers, including industry associations, trade associations, labor unions, service branches of the military, nonprofit organizations, and other state and local community organizations so students can learn from experts in different occupational fields about career opportunities and any necessary education and training requirements;

(ix) A secure space for staff, parents or guardians, and approved community partners who support students' academic progress and career and college preparation, to make notes that can inform staff efforts to connect students to academic and career connected learning opportunities and develop support and credit recovery plans for students, as needed;

(x) Accessibility options for students needing accommodations including, but not limited to, visual aids and voice dictation for students with limited literacy skills;

(xi) Indefinite access for students to their high school beyond plan, regardless of current school affiliation or lack thereof, in both mobile and desktop applications, that includes the capability to download and print their plan in one document, without requiring students to access multiple screens;

(xii) Inclusion of in-state labor market, apprenticeship, and postsecondary education performance data, including employment and earning outcomes, certificate and degree completion outcomes, and demographics of enrolled students or employees, to inform students' exploration and consideration of postsecondary options;

(xiii) A dedicated space where students can store additional evidence of their learning and postsecondary preparation, such as videos, essays, art, awards and recognitions, screencasts, letters of recommendation, industry certifications, microcredentials or other mastery-based learning recognitions, and work-integrated learning experiences. The universal platform should include the ability for students and staff to provide access to this portfolio in its entirety or in selected parts to relevant third parties, including institutions of higher education that are authorized to participate in state financial aid programs under chapter 28B.92 RCW, branches of the military, potential employers, or preapprenticeship opportunities;

(xiv) Access to data reporting features that allow schools, districts, and state agencies to review data stored within the universal platform, and allow data to be broken down by demographic, socioeconomic, and other identified characteristics, for the purposes of analyzing student use of the universal platform, improving student access to the information, guidance, and opportunities that can help them maximize their secondary education experience and postsecondary preparation, and informing state-level support for high school and beyond plan implementation;



(xv) A space for the student to indicate the graduation pathway option or options the student has selected to complete and how the selected option or options align with the student's career and postsecondary education goals; and

(xvi) The ability for school districts to customize or add features unique to local needs and local graduation requirements, including the capability to auto-align data with the local school districts' graduation requirements or the ability to enter those requirements manually.

(b) The office of the superintendent of public instruction must also include considerations around how the universal platform will operate in alignment with school to postschool transition plans required for students with an individualized education program transition plan to create efficiencies and reduce redundancy with the high school and beyond plan process and statewide tool.

(5)(a) Within two years of completing the universal platform development and alignment with the requirements in this section and section 3 of this act, school districts must provide students with access to the adopted universal platform.

(b) The office of the superintendent of public instruction must develop guidance and provide technical assistance and support for the facilitation of statewide professional development for school districts and partner organizations in using the universal platform.

(6) In carrying out subsections (3)(b) and (4) of this section, the office of the superintendent of public instruction shall seek input from the state board of education, educators, school and district administrators, school counselors, career counseling specialists, families, students, the Washington student achievement council, institutions of higher education that are authorized to participate in state financial aid programs under chapter 28B.92 RCW, and community partners who support students' career and college preparation. The office of the superintendent of public instruction may partner with existing community and regional networks and organizations who support students' career and college preparation in the analysis, selection, and implementation of the universal platform.

(7) As used in this section "universal platform" means the universal online high school and beyond plan platform.

(8) The office of the superintendent of public instruction may adopt and revise rules as necessary to implement this section.

**NEW SECTION. Sec. 5.** (1) After selection of the vendor for the universal online high school and beyond plan platform as required in RCW 28A.230.215, the office of the superintendent of public instruction, in consultation with the state board of education, shall report to the governor and education committees of the legislature recommendations for additional policy changes related to transitioning the current high school and beyond plan and universal platform into a more robust online learning

platform that can be used starting as early as fifth grade and that will provide greater student agency over student learning and provide opportunities for students to more meaningfully explore their strengths, interests, and future aspirations. In addition to the existing high school and beyond plan elements identified in RCW 28A.230.215, the recommendations should examine and incorporate the following elements:

(a) A way to begin student use of a learning plan that utilizes the universal online high school and beyond plan platform no later than the fifth grade and includes ways to introduce career awareness and exploration opportunities in elementary grades as foundational support to students;

(b) Strategies for students to share their interests and engage with peers and mentors in order to obtain ongoing feedback and access to activities and learning opportunities that connect to their goals;

(c) Recommended calendar, schedule, and delivery options to ensure dedicated classroom time so that students are supported in engaging with and updating their plans multiple times per year;

(d) Strategies that increase student and family engagement with the learning plan process and encourages students to meaningfully explore their strengths, skills, and interests on an ongoing basis;

(e) Ways the universal online high school and beyond plan platform can support implementation of recommendations developed by the state board of education under subsection (2) of this section.

(2) The state board of education shall develop recommendations on how the high school and beyond plan could be modified to further support student choice and flexibility in meeting graduation requirements and preparing for postsecondary education and training, including increasing access to mastery-based learning and mastery-based crediting opportunities. The state board of education shall report the recommendations developed under this subsection to the governor and education committees of the legislature.

(3) The reports required under this section shall be submitted to the governor and the education committees of the legislature, in accordance with RCW 43.01.036, by August 1, 2025.

(4) This section expires July 1, 2026.

**Sec. 6.** RCW 28A.230.091 and 2018 c 229 s 2 are each amended to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall work with school districts, including teachers, principals, and school counselors, educational service districts, the Washington state school directors' association, institutions of higher education ((as defined in RCW 28B.10.016))that are authorized to participate in state financial aid programs under chapter 28B.92 RCW, students, and parents and guardians to identify best practices for high school and beyond plans that districts and schools may employ when

complying with high school and beyond plan requirements adopted in accordance with ~~((RCW 28A.230.090))~~ section 3 of this act and RCW 28A.230.215. The identified best practices, which must consider differences in enrollment and other factors that distinguish districts from one another, must be posted on the website of the office of the superintendent of public instruction by September 1, 2019, and may be revised periodically as necessary.

**Sec. 7.** RCW 28A.230.310 and 2020 c 307 s 4 are each amended to read as follows:

(1)(a) Beginning with the 2020-21 school year, all school districts with a high school must provide a financial aid advising day, as defined in RCW 28A.300.815.

(b) Districts must provide both a financial aid advising day and notification of financial aid opportunities at the beginning of each school year to parents and guardians of any student entering the twelfth grade. The notification must include information regarding:

(i) The eligibility requirements of the Washington college grant;

(ii) The requirements of the financial aid advising day;

(iii) The process for opting out of the financial aid advising day; and

(iv) Any community-based resources available to assist parents and guardians in understanding the requirements of and how to complete the free application for federal student aid and the Washington application for state financial aid.

(2) Districts may administer the financial aid advising day, as defined in RCW 28A.300.815, in accordance with information-sharing requirements set in the high school and beyond plan in ~~((RCW 28A.230.090))~~ section 3 of this act and RCW 28A.230.215.

(3) The Washington state school directors' association, with assistance from the office of the superintendent of public instruction and the Washington student achievement council, shall develop a model policy and procedure that school district board of directors may adopt. The model policy and procedure must describe minimum standards for a financial aid advising day as defined in RCW 28A.300.815.

(4) School districts are encouraged to engage in the Washington student achievement council's financial aid advising training.

(5) The office of the superintendent of public instruction may adopt rules for the implementation of this section.

**Sec. 8.** RCW 28A.230.320 and 2021 c 7 s 2 are each amended to read as follows:

(1) Beginning with the class of 2020, the state board of education may authorize school districts to grant individual student emergency waivers from credit and subject area graduation requirements established in RCW 28A.230.090, the graduation pathway requirement established in RCW 28A.655.250, or both if:

(a) The student's ability to complete the requirement was impeded due to a significant disruption resulting from a local, state, or national emergency;

(b) The school district demonstrates a good faith effort to support the individual student in meeting the requirement before considering an emergency waiver;

(c) The student was reasonably expected to graduate in the school year when the emergency waiver is granted; and

(d) The student has demonstrated skills and knowledge indicating preparation for the next steps identified in their high school and beyond plan under ~~((RCW 28A.230.090))~~ section 3 of this act and RCW 28A.230.215 and for success in postsecondary education, gainful employment, and civic engagement.

(2) A school district that is granted emergency waiver authority under this section shall:

(a) Maintain a record of courses and requirements waived as part of the individual student record;

(b) Include a notation of waived credits on the student's high school transcript;

(c) Maintain records as necessary and as required by rule of the state board of education to document compliance with subsection (1)(b) of this section;

(d) Report student level emergency waiver data to the office of the superintendent of public instruction in a manner determined by the superintendent of public instruction in consultation with the state board of education;

(e) Determine if there is disproportionality among student subgroups receiving emergency waivers and, if so, take appropriate corrective actions to ensure equitable administration. At a minimum, the subgroups to be examined must include those referenced in RCW 28A.300.042(3). If further disaggregation of subgroups is available, the school district shall also examine those subgroups; and

(f) Adopt by resolution a written plan that describes the school district's process for students to request or decline an emergency waiver, and a process for students to appeal within the school district a decision to not grant an emergency waiver.

(3)(a) By November 1, 2021, and annually thereafter, the office of the superintendent of public instruction shall provide the data reported under subsection (2) of this section to the state board of education.

(b) The state board of education, by December 15, 2021, and within existing resources, shall provide the education committees of the legislature with a summary of the emergency waiver data provided by the office of the superintendent of public instruction under this subsection (3) for students in the graduating classes of 2020 and 2021. The summary must include the following information:

(i) The total number of emergency waivers requested and issued, by school district, including an indication of what requirement or requirements were waived. Information provided in accordance with this subsection ~~((+3+))~~ (3)(b)(i) must also indicate the number of students in the school district grade cohort of each student receiving a waiver; and

(ii) An analysis of any concerns regarding school district implementation, including any concerns related to school

district demonstrations of good faith efforts as required by subsection (1)(b) of this section, identified by the state board of education during its review of the data.

(4) The state board of education shall adopt and may periodically revise rules for eligibility and administration of emergency waivers under this section. The rules may include:

(a) An application and approval process that allows school districts to apply to the state board of education to receive authority to grant emergency waivers in response to an emergency;

(b) Eligibility criteria for meeting the requirements established in subsection (1) of this section;

(c) Limitations on the number and type of credits that can be waived; and

(d) Expectations of the school district regarding communication with students and their parents or guardians.

(5) For purposes of this section:

(a) "Emergency" has the same meaning as "emergency or disaster" in RCW 38.52.010. "Emergency" may also include a national declaration of emergency by an authorized federal official.

(b) "School district" means any school district, charter school established under chapter 28A.710 RCW, tribal compact school operated according to the terms of state-tribal education compacts authorized under chapter 28A.715 RCW, private school, state school established under chapter 72.40 RCW, and community and technical college granting high school diplomas.

**Sec. 9.** RCW 28A.300.900 and 2018 c 228 s 1 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction, in consultation with the state board for community and technical colleges and the Washington state apprenticeship and training council, shall examine opportunities for promoting recognized preapprenticeship and registered youth apprenticeship opportunities for high school students.

(2) In accordance with this section, by November 1, 2018, the office of the superintendent of public instruction shall solicit input from persons and organizations with an interest or relevant expertise in registered preapprenticeship programs, registered youth apprenticeship programs, or both, and employer-based preapprenticeship and youth apprenticeship programs, and provide a report to the governor and the education committees of the house of representatives and the senate that includes recommendations for:

(a) Improving alignment between college-level vocational courses at institutions of higher education and high school curriculum and graduation requirements, including high school and beyond plans required by RCW 28A.230.090 and in accordance with section 3 of this act and RCW 28A.230.215. Recommendations provided under this subsection may include recommendations for the development or revision of career and technical education course equivalencies

established in accordance with RCW 28A.700.080(1)(b) for college-level vocational courses successfully completed by a student while in high school and taken for dual credit;

(b) Identifying and removing barriers that prevent the wider exploration and use of registered preapprenticeship and registered youth apprenticeship opportunities by high school students and opportunities for registered apprenticeships by graduating secondary students; and

(c) Increasing awareness among teachers, counselors, students, parents, principals, school administrators, and the public about the opportunities offered by registered preapprenticeship and registered youth apprenticeship programs.

(3) As used in this section, "institution of higher education" has the same meaning as defined in RCW 28A.600.300.

**Sec. 10.** RCW 28A.655.250 and 2021 c 7 s 3 are each amended to read as follows:

(1)(a) Beginning with the class of 2020, except as provided in RCW 28A.230.320, graduation from a public high school and the earning of a high school diploma must include the following:

(i) Satisfying the graduation requirements established by the state board of education under RCW 28A.230.090 and any graduation requirements established by the applicable public high school or school district;

(ii) Satisfying credit requirements for graduation;

(iii) Demonstrating career and college readiness through completion of the high school and beyond plan as required by RCW 28A.230.090 and in accordance with section 3 of this act and RCW 28A.230.215; and

(iv) Meeting the requirements of at least one graduation pathway option established in this section. The pathway options established in this section are intended to provide a student with multiple pathways to graduating with a meaningful high school diploma that are tailored to the goals of the student. A student may choose to pursue one or more of the pathway options under (b) of this subsection, but any pathway option used by a student to demonstrate career and college readiness must be in alignment with the student's high school and beyond plan.

(b) The following graduation pathway options may be used to demonstrate career and college readiness in accordance with (a) (iv) of this subsection:

(i) Meet or exceed the graduation standard established by the state board of education under RCW 28A.305.130 on the statewide high school assessments in English language arts and mathematics as provided for under RCW 28A.655.070;

(ii) Complete and qualify for college credit in dual credit courses in English language arts and mathematics. For the purposes of this subsection, "dual credit course" means a course in which a student qualifies for college and high school credit in English language arts or mathematics upon successfully completing the course;

(iii) Earn high school credit in a high school transition course in English language

arts and mathematics, an example of which includes a bridge to college course. For the purposes of this subsection (1)(b)(iii), "high school transition course" means an English language arts or mathematics course offered in high school where successful completion by a high school student ensures the student college-level placement at participating institutions of higher education as defined in RCW 28B.10.016. High school transition courses must satisfy core or elective credit graduation requirements established by the state board of education. A student's successful completion of a high school transition course does not entitle the student to be admitted to an institution of higher education as defined in RCW 28B.10.016;

(iv) Earn high school credit, with a C+ grade, or receiving a three or higher on the AP exam, or equivalent, in AP, international baccalaureate, or Cambridge international courses in English language arts and mathematics; or receiving a four or higher on international baccalaureate exams. For English language arts, successfully completing any of the following courses meets the standard: AP English language and composition literature, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics; or any of the international baccalaureate individuals and societies courses. For mathematics, successfully completing any of the following courses meets the standard: AP statistics, computer science, computer science principles, or calculus; or any of the international baccalaureate mathematics courses;

(v) Meet or exceed the scores established by the state board of education for the mathematics portion and the reading, English, or writing portion of the SAT or ACT;

(vi) Meet any combination of at least one English language arts option and at least one mathematics option established in (b)(i) through (v) of this subsection (1);

(vii) Meet standard in the armed services vocational aptitude battery; and

(viii) Complete a sequence of career and technical education courses that are relevant to a student's postsecondary pathway, including those leading to workforce entry, state or nationally approved apprenticeships, or postsecondary education, and that meet either: The curriculum requirements of core plus programs for aerospace, maritime, health care, information technology, or construction and manufacturing; or the minimum criteria identified in RCW 28A.700.030. Nothing in this subsection (1)(b)(viii) requires a student to enroll in a preparatory course that is approved under RCW 28A.700.030 for the purposes of demonstrating career and college readiness under this section.

(2) While the legislature encourages school districts to make all pathway options established in this section available to their high school students, and to expand their pathway options until that goal is met, school districts have discretion in

determining which pathway options under this section they will offer to students.

(3) The state board of education shall adopt rules to implement the graduation pathway options established in this section.

NEW SECTION. **Sec. 11.** RCW 28A.655.270 (Student support for graduation—Student learning plans) and 2019 c 252 s 203 are each repealed."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

March 27, 2023

SB 5274

Prime Sponsor, Senator Valdez: Expanding eligibility in certain public employment positions for lawful permanent residents. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Mosbrucker, Ranking Minority Member; and Graham.

MINORITY recommendation: Without recommendation. Signed by Representative Griffey, Assistant Ranking Minority Member.

Referred to Committee on Rules for second reading

March 28, 2023

SB 5283

Prime Sponsor, Senator Van De Wege: Authorizing the state board of registration for professional engineers and land surveyors to waive the fundamentals examination for professional engineer or professional land surveyor comity applicants. Reported by Committee on Consumer Protection & Business

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

Referred to Committee on Rules for second reading

March 28, 2023

ESSB 5284

Prime Sponsor, State Government & Elections: Concerning campaign finance disclosure. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.17A.205 and 2019 c 428 s 14 are each amended to read as follows:

(1) Every political committee shall file a statement of organization with the commission. The statement must be filed within two weeks after organization or within two weeks after the date the committee first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier. A political committee organized within ~~((the last three weeks))~~ the period beginning the first day of the last full month before an election and having the expectation of receiving contributions or making expenditures during and for that election campaign shall file a statement of organization within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election campaign.

(2) The statement of organization shall include but not be limited to:

(a) The name, address, and electronic contact information of the committee;

(b) The names, addresses, and electronic contact information of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;

(d) The name, address, and electronic contact information of its treasurer and depository;

(e) A statement whether the committee is a continuing one;

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;

(g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;

(h) What distribution of surplus funds will be made, in accordance with RCW 42.17A.430, in the event of dissolution;

(i) Such other information as the commission may by rule prescribe, in keeping with the policies and purposes of this chapter;

(j) The name, address, and title of any person who authorizes expenditures or makes decisions on behalf of the candidate or committee; and

(k) The name, address, and title of any person who is paid by or is a volunteer for a candidate or political committee to perform ministerial functions and who performs ministerial functions on behalf of two or more candidates or committees.

(3) No two political committees may have the same name.

(4) Any material change in information previously submitted in a statement of organization shall be reported to the commission within the ten days following the change.

(5) As used in this section, the "name" of a sponsored committee must include the name of the person who is the sponsor of the committee. If more than one person meets the

definition of sponsor, the name of the committee must include the name of at least one sponsor, but may include the names of other sponsors. A person may sponsor only one political committee for the same elected office or same ballot proposition per election cycle.

Sec. 2. RCW 42.17A.207 and 2019 c 428 s 15 are each amended to read as follows:

(1)(a) An incidental committee must file a statement of organization with the commission within two weeks after the date the committee first:

(i) Has the expectation of making any expenditures aggregating at least ~~((twenty-five thousand dollars))~~ \$25,000 in a calendar year in any election campaign, or to a political committee; and

(ii) Is required to disclose a payment received under RCW 42.17A.240(2)(d).

(b) If an incidental committee first meets the criteria requiring filing a statement of organization as specified in (a) of this subsection ~~((in the last three weeks))~~ within the period beginning the first day of the last full month before an election, then it must file the statement of organization within three business days.

(2) The statement of organization must include but is not limited to:

(a) The name, address, and electronic contact information of the committee;

(b) The names and addresses of all related or affiliated political or incidental committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders and the name of the person designated as the treasurer of the incidental committee;

(d) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing if the committee contributes directly to a candidate and, if donating to a political committee, the name and address of that political committee;

(e) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition; and

(f) Such other information as the commission may by rule prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization must be reported to the commission within the ten days following the change.

Sec. 3. RCW 42.17A.235 and 2019 c 428 s 20 are each amended to read as follows:

(1)(a) In addition to the information required under RCW 42.17A.205 and 42.17A.210, each candidate or political committee must file with the commission a report of all contributions received and expenditures made as a political committee on the next reporting date pursuant to the timeline established in this section.

(b) In addition to the information required under RCW 42.17A.207 and 42.17A.210, on the day an incidental committee files a statement of organization with the commission, each incidental committee must file with the commission a report of any election campaign expenditures under RCW 42.17A.240(~~((+6))~~)(7), as well as the source of the (~~(ten)~~)10 largest cumulative payments of (~~((ten thousand dollars))~~)\$10,000 or greater it received in the current calendar year from a single person, including any persons tied as the (~~(tenth))~~10th largest source of payments it received, if any.

(2) Each treasurer of a candidate or political committee, or an incidental committee, required to file a statement of organization under this chapter, shall file with the commission a report, for each election in which a candidate, political committee, or incidental committee is participating, containing the information required by RCW 42.17A.240 at the following intervals:

(a) On the (~~(twenty-first day and the seventh))~~34th day, the 20th day, and the sixth day immediately preceding the date (~~(on which))~~of the general election (~~(is held))~~; (~~(and))~~

(b) On the 20th day and the sixth day immediately preceding the date of the primary or special election; and

(c) On the (~~(tenth))~~10th day of the first full month after the election.

(3)(a) Each treasurer of a candidate or political committee shall file with the commission a report on the (~~(tenth))~~10th day of each month during which the candidate or political committee is not (~~(participating in an election campaign))~~otherwise required to report under subsection (2) of this section, only if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed (~~(two hundred dollars))~~\$200.

(b) Each incidental committee shall file with the commission a report on the (~~(tenth))~~10th day of each month during which the incidental committee is not otherwise required to report under this section only if the committee has:

(i) Received a payment that would change the information required under RCW 42.17A.240(2)(d) as included in its last report; or

(ii) Made any election campaign expenditure reportable under RCW 42.17A.240(~~((+6))~~)(7) since its last report, and the total election campaign expenditures made since the last report exceed (~~(two hundred dollars))~~\$200.

(4) The (~~(report))~~reports filed (~~((twenty-one))~~34 days, 20 days, and six days before the general election and 20 days and six days before the primary or special election shall report all contributions received and expenditures made (~~(as of))~~from the closing date of the last report filed through the end of ((one business day))two calendar days before the date of (~~(the report))~~each filing. (~~(The report filed seven days before the election shall report all contributions received and expenditures made as of the end~~

~~of one business day before the date of the report.))~~ Reports filed on the (~~(tenth))~~10th day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(5) For the period beginning the first day of the fourth month preceding the date of the special election, or for the period beginning the first day of the fifth month before the date of the general election, and ending on the date of that special or general election, each Monday the treasurer for a candidate or a political committee shall file with the commission a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds and the amount contributed by each person. However, persons who contribute no more than (~~((twenty-five dollars))~~)\$25 in the aggregate are not required to be identified in the report. A copy of the report shall be retained by the treasurer for the treasurer's records. In the event of deposits made by candidates, political committee members, or paid staff other than the treasurer, the copy shall be immediately provided to the treasurer for the treasurer's records. Each report shall be certified as correct by the treasurer.

(6)(a) The treasurer for a candidate or a political committee shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the (~~(ten))~~10 calendar days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the political committee's statement of organization filed under RCW 42.17A.205, the books of account must be open for public inspection by appointment at a place agreed upon by both the treasurer and the requestor, for inspections between 9:00 a.m. and 5:00 p.m. on any day from the (~~(tenth))~~10th calendar day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within (~~((forty-eight))~~)48 hours of the time and day that is requested for the inspection. The treasurer may provide digital access or copies of the books of account in lieu of scheduling an appointment at a designated place for inspection. If the treasurer and requestor are unable to agree on a location and the treasurer has not provided digital access to the books of account, the default location for an appointment shall be a place of public accommodation selected by the treasurer within a reasonable distance from the treasurer's office.

(b) At the time of making the appointment, a person wishing to inspect the books of account must provide the treasurer the name and telephone number of the person

wishing to inspect the books of account. The person inspecting the books of account must show photo identification before the inspection begins.

(c) A treasurer may refuse to show the books of account to any person who does not make an appointment or provide the required identification. The commission may issue limited rules to modify the requirements set forth in this section in consideration of other technology and best practices.

(7) Copies of all reports filed pursuant to this section shall be readily available for public inspection by appointment, pursuant to subsection (6) of this section.

(8) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred or for any longer period as otherwise required by law.

(9) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(10) Where there is not a pending complaint concerning a report, it is not evidence of a violation of this section to submit an amended report within ~~((twenty-one))~~ 21 days of filing an initial report if:

(a) The report is accurately amended;

(b) The amended report is filed more than ~~((thirty))~~ 30 days before an election;

(c) The total aggregate dollar amount of the adjustment for the amended report is within three times the contribution limit per election or ~~((two hundred dollars))~~ \$200, whichever is greater; and

(d) The committee reported all information that was available to it at the time of filing, or made a good faith effort to do so, or if a refund of a contribution or expenditure is being reported.

(11)(a) When there is no outstanding debt or obligation, the campaign fund is closed, the campaign is concluded in all respects, and the political committee has ceased to function and intends to dissolve, the treasurer shall file a final report. Upon submitting a final report, the political committee so intending to dissolve must file notice of intent to dissolve with the commission and the commission must post the notice on its website.

(b) Any political committee may dissolve ~~((sixty))~~ 60 days after it files its notice to dissolve, only if:

(i) The political committee does not make any expenditures other than those related to the dissolution process or engage in any political activity or any other activities that generate additional reporting requirements under this chapter after filing such notice;

(ii) No complaint or court action under this chapter is pending against the political committee; and

(iii) All penalties assessed by the commission or court order have been paid by the political committee.

(c) The political committee must continue to report regularly as required under this chapter until all the conditions under (b) of this subsection are resolved.

(d) Upon dissolution, the commission must issue an acknowledgment of dissolution, the duties of the treasurer shall cease, and there shall be no further obligations under this chapter. Dissolution does not absolve the candidate or board of the committee from responsibility for any future obligations resulting from the finding after dissolution of a violation committed prior to dissolution.

(12) The commission must adopt rules for the dissolution of incidental committees.

**Sec. 4.** RCW 42.17A.255 and 2020 c 152 s 5 are each amended to read as follows:

(1) For the purposes of this section the term "independent expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17A.225, 42.17A.235, and 42.17A.240. "Independent expenditure" does not include: An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person.

(2) Within five days after the date of making an independent expenditure that by itself or when added to all other such independent expenditures made during the same election campaign by the same person equals ~~((one hundred dollars))~~ \$100 or more, or within five days after the date of making an independent expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent expenditure shall file with the commission an initial report of all independent expenditures made during the campaign prior to and including such date.

(3)(a) At the following intervals each person who is required to file an initial report pursuant to subsection (2) of this section shall file with the commission a further report of the independent expenditures made since the date of the last report:

~~((a))~~ (i) On the ~~((twenty-first day and the seventh))~~ 34th day, the 20th day, and the sixth day preceding the date ~~((on which))~~ of the general election ((is held)); ~~((and (b)))~~ (ii) On the 20th day and the sixth day immediately preceding the date of the primary or special election;

(iii) On the ~~((tenth))~~ 10th day of the first month after the election; and

~~((e))~~ (iv) On the ~~((tenth))~~ 10th day of each month in which no other reports are required to be filed pursuant to this section. ((However, the))

(b)(i) The further reports required by this subsection (3) shall only be filed if the reporting person has made an independent expenditure since the date of the last previous report filed.

~~((The report filed pursuant to (a) of this subsection (3))~~ (ii) If no further reports are required to be filed, the last report required to be filed shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(4) All reports filed pursuant to this section shall be certified as correct by the reporting person.

(5) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent expenditure, and ending not more than ~~((one))~~ two business days before the date the report is due:

(a) The name, address, and electronic contact information of the person filing the report;

(b) The name and address of each person to whom an independent expenditure was made in the aggregate amount of more than ~~((fifty dollars))~~ \$50, and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent expenditures made during the campaign to date;

(d) A statement from the person making an independent expenditure that:

(i) The expenditure is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the expenditure in any way; and

(e) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this chapter.

**Sec. 5.** RCW 42.17A.260 and 2020 c 152 s 6 are each amended to read as follows:

(1) The sponsor of political advertising shall file a special report to the commission within ~~((twenty-four))~~ 24 hours of, or on the first working day after, the date the political advertising is first published, mailed, or otherwise presented to the public, if the political advertising:

(a) Is published, mailed, or otherwise presented to the public within ~~((twenty-one))~~ 21 days of an election; and

(b) Either:

(i) Qualifies as an independent expenditure with a fair market value or actual cost of ~~((one thousand dollars))~~ \$1,000 or more, for political advertising supporting or opposing a candidate; or

(ii) Has a fair market value or actual cost of ~~((one thousand dollars))~~ \$1,000 or more, for political advertising supporting or opposing a ballot proposition, and is not otherwise required to be reported pursuant to RCW 42.17A.225, 42.17A.235, or 42.17A.240, supporting or opposing the same ballot proposition.

(2) If a sponsor is required to file a special report under this section, the sponsor shall also deliver to the commission within the delivery period established in subsection (1) of this section a special report for ~~((each))~~:

(a) Each subsequent independent expenditure of any size supporting or opposing the same candidate who was the subject of the previous independent expenditure, supporting or opposing that candidate's opponent ~~((, or, in the case of a))~~; or

(b) Each subsequent expenditure of any size made in support of or in opposition to ~~((a))~~ the same ballot proposition that was the subject of the previous expenditure, and is not otherwise required to be reported pursuant to RCW 42.17A.225, 42.17A.235, or 42.17A.240 ~~((, supporting or opposing the same ballot proposition that was the subject of the previous expenditure))~~.

(3) The special report must include:

(a) The name and address of the person making the expenditure;

(b) The name and address of the person to whom the expenditure was made;

(c) A detailed description of the expenditure;

(d) The date the expenditure was made and the date the political advertising was first published or otherwise presented to the public;

(e) The amount of the expenditure;

(f) The name of the candidate supported or opposed by the expenditure, the office being sought by the candidate, and whether the expenditure supports or opposes the candidate; or the name of the ballot proposition supported or opposed by the expenditure and whether the expenditure supports or opposes the ballot proposition;

(g) A statement from the sponsor that:

(i) The political advertising is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the political advertising in any way; and

(h) Any other information the commission may require by rule.

(4) All persons required to report under RCW 42.17A.225, 42.17A.235, 42.17A.240, 42.17A.255, and 42.17A.305 are subject to the requirements of this section, except as otherwise provided in this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17A.255.

(5) The sponsor of independent expenditures supporting a candidate or opposing that candidate's opponent required to report under this section shall file with each required report an affidavit or declaration of the person responsible for making the independent expenditure that the expenditure was not made in cooperation, consultation, or concert with, or at the



request or suggestion of, the candidate, the candidate's authorized committee, or the candidate's agent, or with the encouragement or approval of the candidate, the candidate's authorized committee, or the candidate's agent.

**Sec. 6.** RCW 42.17A.265 and 2020 c 152 s 7 are each amended to read as follows:

(1) Treasurers shall prepare and deliver to the commission a special report when a contribution or aggregate of contributions totals ~~((one thousand dollars or more))~~ more than the contribution limit to a candidate for state officer other than legislative office, as provided in RCW 42.17A.405(2), is from a single person or entity, and is received during ((a special reporting period)) the period from the beginning of the last full month preceding an election in which the treasurer's committee is participating, and concluding the day before that election.

(2) A political committee shall prepare and deliver to the commission a special report when it makes a contribution or an aggregate of contributions to a single entity that totals ~~((one thousand dollars or more during a special reporting period))~~ more than the contribution limit to a candidate for state officer other than legislative office, as provided in RCW 42.17A.405(2), during the same special reporting period as set forth in subsection (1) of this section.

(3) An aggregate of contributions includes only those contributions made to or received from a single entity during any one special reporting period. ~~((Any))~~ After a special report is filed as provided under subsection (1) or (2) of this section, an additional special report must be filed for any subsequent contribution of any size made to or received from the same person or entity during the special reporting period ((must also be reported)).

(4) ~~((Special reporting periods, for purposes of this section, include:~~

~~(a) The period beginning on the day after the last report required by RCW 42.17A.235 and 42.17A.240 to be filed before a primary and concluding on the end of the day before that primary;~~

~~(b) The period twenty-one days preceding a general election; and~~

~~(c) An aggregate of contributions includes only those contributions received from a single entity during any one special reporting period or made by the contributing political committee to a single entity during any one special reporting period.~~

~~(5) If a campaign treasurer files a special report under this section for one or more contributions received from a single entity during a special reporting period, the treasurer shall also file a special report under this section for each subsequent contribution of any size which is received from that entity during the special reporting period. If a political committee files a special report under this section for a contribution or contributions made to a single entity during a special reporting period, the political committee shall also file a special report for each subsequent contribution of any size which is made to~~

~~that entity during the special reporting period.~~

~~(6))~~ Special reports required by this section shall be delivered electronically, or in written form if an electronic alternative is not available.

(a) The special report required of a contribution recipient under subsection (1) of this section shall be delivered to the commission within ~~((forty-eight))~~ 48 hours of the time, or on the first ~~((working))~~ business day after:

~~(i) The qualifying contribution ((of one thousand dollars or more)) is received by the candidate or treasurer; ((the))~~

~~(ii) The aggregate received by the candidate or treasurer first equals ((one thousand dollars or more)) the qualifying amount; or ((any))~~

~~(iii) Any subsequent contribution from the same source is received by the candidate or treasurer.~~

(b) The special report required of a contributor under subsection (2) of this section or RCW 42.17A.625 shall be delivered to the commission, and the candidate or political committee to whom the contribution or contributions are made, within ~~((twenty-four))~~ 24 hours of the time, or on the first ~~((working))~~ business day after:

~~(i) The qualifying contribution is made; ((the))~~

~~(ii) The aggregate of contributions made first equals ((one thousand dollars or more)) the qualifying amount; or ((any))~~

~~(iii) Any subsequent contribution to the same person or entity is made.~~

~~((7))~~ (5) The special report shall include:

(a) The amount of the contribution or contributions;

(b) The date or dates of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient;

(e) A statement that the candidate or political committee has received a certification from any partnership, association, corporation, organization, or other combination of persons making a contribution reportable under this section that:

(i) The contribution is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the contribution in any way; and

(f) Any other information the commission may by rule require.

~~((8))~~ (6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

~~((9))~~ (7) The commission shall prepare daily a summary of the special reports made under this section and RCW 42.17A.625.

~~((10))~~ (8) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17A.270.

**Sec. 7.** RCW 42.17A.345 and 2019 c 428 s 26 are each amended to read as follows:

(1) Each commercial advertiser who has accepted or provided political advertising or electioneering communications during the election campaign shall maintain current books of account and related materials as provided by rule that shall be open for public inspection during normal business hours during the campaign and for a period of no less than five years after the date of the applicable election. The documents and books of account shall specify:

(a) The names and addresses of persons from whom it accepted political advertising or electioneering communications;

(b) The exact nature and extent of the services rendered; and

(c) The total cost and the manner of payment for the services.

(2) At the request of the commission, each commercial advertiser required to comply with subsection (1) of this section shall provide to the commission copies of the information that must be maintained and be open for public inspection pursuant to subsection (1) of this section.

(3) Any person who purchases political advertising or electioneering communications from a commercial advertiser must disclose upon request from the commercial advertiser:

(a) That the purchase includes political advertising or electioneering communications;

(b) The name of the sponsor, if different than the person making the purchase; and

(c) Any other information the commercial advertiser is required to maintain, as provided by this section or rule.

(4) Any failure to provide the required information in subsection (3) of this section upon request is a violation under this chapter, but such failure shall not relieve a commercial advertiser of any of the requirements under this section."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

March 27, 2023

E2SSB 5315 Prime Sponsor, Ways & Means: Concerning nonpublic agencies operating special education programs for students with disabilities. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) (a) The legislature finds that the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. establishes duties for the state education agency, which is the office of the superintendent of public instruction in Washington, with respect to students with disabilities who are placed in a private

school or facility by a school district or other public agency as a means of providing special education and related services.

(b) Since 2006, the federal implementing regulations of the federal individuals with disabilities education act have required that the office of the superintendent of public instruction ensure that a student with a disability who is placed in a private school or facility by a school district or other public agency:

(i) Is provided special education and related services in conformance with an individualized education program that meets the requirements of federal law and at no cost to the student's parents;

(ii) Is provided an education that meets the standards that apply to education provided by a school district or other public agency; and

(iii) Has all of the rights of a student with a disability who is served by a school district or other public agency.

(c) Since 2006, the federal implementing regulations of the federal individuals with disabilities education act have required that the office of the superintendent of public instruction, in implementing the requirements described in (b) of this subsection (1):

(i) Monitor compliance through procedures such as written reports, on-site visits, and parent questionnaires;

(ii) Disseminate copies of applicable standards to each private school and facility to which a school district or other public agency placed a student with a disability; and

(iii) Provide an opportunity for those private schools and facilities to participate in the development and revision of state standards that apply to them.

(2) The legislature acknowledges that it has not codified the requirements described in subsection (1) of this section into state statute. Therefore, the legislature intends to codify the duty and authority of the superintendent of public instruction to establish standards for approving, monitoring, and investigating education centers, which are private schools and facilities that contract with school districts to provide special education and related services to students with disabilities placed in the education center by a school district. The legislature also intends to codify the requirement that these standards must ensure that any students with disabilities placed in an education center by a school district have the same rights, protections, and access to special education and related services that they would have if served by a school district.

**Sec. 2.** RCW 28A.155.090 and 2007 c 115 s 11 are each amended to read as follows:

The superintendent of public instruction shall have the duty and authority, through the administrative section or unit for the education of children with disabling conditions, to:

(1) Assist school districts in the formation of programs to meet the needs of children with disabilities;

(2) Develop interdistrict cooperation programs for children with disabilities as authorized in RCW 28A.225.250;

(3) Provide, upon request, to parents or guardians of children with disabilities, information as to the special education programs for students with disabilities offered within the state;

(4) Assist, upon request, the parent or guardian of any child with disabilities in the placement of any child with disabilities who is eligible for but not receiving special educational services for children with disabilities;

(5) Approve school district and agency programs as being eligible for special excess cost financial aid to students with disabilities;

(6) Establish standards for approving, monitoring, and investigating education centers, as defined in RCW 28A.205.010, that contract with school districts under RCW 28A.155.060 to provide special education and related services to children with disabilities placed in the education center by a school district. The standards must ensure that any children with disabilities placed in the education center by a school district have the same rights, protections, and access to special education and related services that they would have if served by a school district;

(7) Consistent with the provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160, and part B of the federal individuals with disabilities education improvement act, administer administrative hearings and other procedures to ensure procedural safeguards of children with disabilities; and

~~((7))~~ (8) Promulgate such rules as are necessary to implement part B of the federal individuals with disabilities education improvement act or other federal law providing for special education services for children with disabilities and the several provisions of RCW 28A.150.390, 28A.160.030, and 28A.155.010 through 28A.155.160 and to ensure appropriate access to and participation in the general education curriculum and participation in statewide assessments for all students with disabilities.

**Sec. 3.** RCW 28A.205.010 and 2006 c 263 s 408 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ~~((As used in this chapter, unless the context thereof shall clearly indicate to the contrary:))~~

"Education center" means ((any private school operated on a profit or nonprofit basis which)) a private in-state school or facility operated on a profit or nonprofit basis, or any out-of-state school or facility, that contracts with a school district to provide special education and related services to students with disabilities placed in the education center by the school district and that does the following:

(a) Is devoted to the teaching of basic academic skills, including specific

attention to improvement of student motivation for achieving, and employment orientation ~~((-))~~;

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program ~~((-))~~; and

~~((c) Conducts courses of instruction by ((professionally trained personnel certificated by the Washington professional educator standards board according to rules adopted for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an education center shall be deemed equal to a year's teaching experience in a common or private school)) licensed teachers.~~

~~(2) ((For purposes of this chapter, basic academic skills shall)) "Basic academic skills" must include the study of mathematics, speech, language, reading and composition, science, history, literature, and political science or civics ((+ it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting or the approval of private schools under RCW 28A.305.130.~~

~~(3) The superintendent of public instruction shall certify an education center only upon application and (a) determination that such school comes within the definition thereof as set forth in subsection (1) of this section and (b) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that are a direct result of the applicants' educational program. Such certification may be withdrawn if the superintendent finds that a center fails to provide adequate instruction in basic academic skills. No education center certified by the superintendent of public instruction pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050)).~~

**NEW SECTION. Sec. 4.** A new section is added to chapter 28A.205 RCW to read as follows:

(1) The office of the superintendent of public instruction may approve an applicant as an education center only after a determination that:

(a) The applicant meets the definition of an education center under RCW 28A.205.010; and

(b) The students of the applicant have made educational gains that are a direct result of the applicant's educational program, where the determination is based on the actual educational performance of the students, after considering each student's background.

(2) The office of the superintendent of public instruction may suspend, revoke, or refuse to renew approval of an education center if the education center fails to provide adequate instruction in basic academic skills, fails to adhere to federal laws, especially civil rights laws, fails to comply with health and safety requirements, or fails to comply with provisions of its contract with a school district.

(3) The office of the superintendent of public instruction must prohibit approved education centers from charging tuition or fees to students placed in the education center by a school district.

(4) The office of the superintendent of public instruction must encourage school districts to cooperate with education centers.

(5) An education center approved by the office of the superintendent of public instruction under this section is not a common school under RCW 28A.150.020.

(6) The approval of an education center that is a private school in Washington approved by the state board of education under chapter 28A.195 RCW is limited to the program of special education and related services provided to students with disabilities placed in the education center by the school district.

**Sec. 5.** RCW 28A.155.060 and 2007 c 115 s 6 are each amended to read as follows:

(1) For the purpose of carrying out the provisions of RCW 28A.155.020 through 28A.155.050, the board of directors of every school district shall be authorized to contract with ~~((agencies approved by the superintendent of public instruction for operating special education programs for students with disabilities. Approval standards for such agencies shall conform substantially with those of special education programs in the common schools))~~ education centers approved under subsection (2) of this section to provide special education and related services to students with disabilities placed in the education center by the school district.

(2)(a) The office of the superintendent of public instruction must create an application process to approve education centers to contract with school districts to provide special education and related services to students with disabilities placed in the education center by a school district. Education centers may be approved for a period of up to three years.

(b) To qualify for approval, an education center must, at a minimum, meet the following requirements:

(i) Acknowledge that it can meet all contract elements established in subsection (3)(a) of this section;

(ii) (A) For an education center operating as a school, either obtain approval by the state board of education under chapter 28A.195 RCW to operate as a private school in Washington or obtain approval by the state education agency of the state in which the education center is located; and (B) for education centers that operate a program of education within a nonschool facility, comply with facility licensing requirements

of the state in which the education center is located;

(iii) Employ or contract with: At least one licensed teacher with a special education endorsement; other licensed teachers; and related services staff who meet the licensing requirements for their profession;

(iv) Meet applicable fire codes of the local or state fire marshal and applicable health and safety standards;

(v) Demonstrate through audits that it is financially stable and has accounting systems that allow for separation of school district funds, including financial safeguards in place to track revenues and expenditures associated with contracted placements to ensure that funds are used to provide special education services to students;

(vi) Demonstrate that it has procedures in place that address staff hiring and contracting, including checking personal and professional references for employees, conducting criminal background checks in accordance with RCW 28A.400.303, and scheduling regular staff evaluations that address staff competencies;

(vii) Demonstrate that staff of the education center are regularly trained on the following topics:

(A) Constitutional and civil rights of children in schools;

(B) Child and adolescent development;

(C) Trauma-informed approaches to working with youth;

(D) Recognizing and responding to youth mental health issues;

(E) Educational rights of students with disabilities, the relationship of disability to behavior, and best practices for interacting with students with disabilities;

(F) Cultural competency, diversity, equity, and inclusion, including best practices for interacting with students from particular backgrounds, including English learner, LGBTQ, immigrant, female, and nonbinary students. The terms "cultural competency," "diversity," "equity," and "inclusion" have the same meanings as in RCW 28A.415.443;

(G) De-escalation techniques when working with youth or groups of youth;

(H) Student isolation and restraint requirements under RCW 28A.600.485;

(I) The federal family educational rights and privacy act (Title 20 U.S.C. Sec. 1232g) requirements including limits on access to and dissemination of student records for noneducational purposes; and

(J) Restorative justice principles and practices; and

(viii) Maintain a policy of nondiscrimination and provide procedural safeguards for students eligible for special education services and their families.

(c) Before approving an application under this subsection, the office of the superintendent of public instruction must conduct an on-site visit to ensure that an education center's facilities, staffing levels, and procedural safeguards are sufficient to provide a safe and appropriate learning environment for students with disabilities placed in the education center by a school district.

(d) The office of the superintendent of public instruction may suspend, revoke, or refuse to renew its approval of an education center if the education center:

(i) Fails to maintain approval standards or fails to comply with all school district contract elements established in subsection (3)(a) of this section;

(ii) Violates the rights of students with disabilities placed in the education center by a school district; or

(iii) Refuses to implement any corrective actions ordered by the office of the superintendent of public instruction.

(e) The office of the superintendent of public instruction must use the data collected to produce the report required under section 7 of this act to identify issues of noncompliance with approval standards and contract elements established in subsection (3)(a) of this section.

(f) The office of the superintendent of public instruction must notify the state board of education if any education center that is also a private school approved by the state board of education under chapter 28A.195 RCW is investigated for noncompliance, is directed to complete corrective action, or fails to maintain approval under this subsection. The state board of education must notify the office of the superintendent of public instruction of any unresolved concerns, deficiencies, or deviations related to an education center that is also a private school approved by the state board of education under chapter 28A.195 RCW.

(g)(i) The office of the superintendent of public instruction must develop and publish on its website a complaint process for individuals to report noncompliance or violations of student rights at education centers.

(ii) The office of the superintendent of public instruction must use the complaint process to identify and address patterns of misconduct at education centers, including issuing corrective action or revoking approval under this subsection.

(3)(a) A school district that chooses to contract with an education center as authorized under subsection (1) of this section must enter into a written contract with the education center to establish the responsibilities of the school district and the education center and set forth the rights of students with disabilities placed in the education center by the school district as a means of providing special education and related services. The contract must include, at a minimum, the following elements:

(i) The names of the parties involved and the name of the student or students with disabilities placed in the education center by the school district;

(ii) The locations and settings of the services to be provided;

(iii) A description of the services to be provided, including access to state learning standards adopted under RCW 28A.655.070;

(iv) The total contract cost and applicable charge and reimbursement systems, including billing and payment procedures;

(v) Acknowledgment that the education center has a list of each qualified staff

member providing special education and related services and a copy of the license or credential that qualifies each staff member to provide those services;

(vi) Acknowledgment that the school district and education center have clearly established their respective responsibilities and processes for data collection and reporting for students;

(vii) Acknowledgment that the education center must comply with student isolation and restraint requirements under RCW 28A.600.485;

(viii) Acknowledgment that the education center must notify the school district and the office of the superintendent of public instruction of any program, staffing, or facility changes that may affect the agency's ability to provide contracted services;

(ix) Acknowledgment that the education center must comply with all relevant Washington state and federal laws that are applicable to the school district; and

(x) Acknowledgment that the school district must provide the office of the superintendent of public instruction with the opportunity to review the contract and related documentation upon request.

(b) A school district contracting with an education center must conduct an annual on-site visit to ensure that an education center's facilities, staffing levels, and procedural safeguards are sufficient to provide a safe and appropriate learning environment and meet the unique needs of the students with disabilities placed in the education center by the school district.

(c) A school district contracting with an education center must remain responsible for ensuring that the students with disabilities placed in the education center by the school district are:

(i) Provided a free appropriate public education in accordance with the federal individuals with disabilities education act, Title 20 U.S.C. Sec. 1400 et seq. and this chapter;

(ii) Provided with special education and related services at no cost to the student's parents and in conformance with an individualized education program as required by law, including evaluations and individualized education program team meetings that meet all applicable requirements;

(iii) Provided with an opportunity to participate in Washington state and school district assessments and an opportunity to fulfill the requirements to receive a Washington state diploma; and

(iv) Provided at least the minimum instructional hours and days required under RCW 28A.150.220.

(d) A school district must provide the following documents to the parents or guardians of the student being served by an education center:

(i) A summary of the school district and education center's responsibilities and processes for reporting incidents of student isolation and restraint under RCW 28A.600.485; and

(ii) A copy of the complaint process published under subsection (2)(g) of this section.

(4) For the purpose of this section, "education center" means an education center, as defined in RCW 28A.205.010, approved by the office of the superintendent of public instruction under subsection (2) of this section.

**Sec. 6.** RCW 28A.155.210 and 2013 c 202 s 3 are each amended to read as follows:

~~A ((school that is required to develop an)) student's individualized education program ((as required by federal law)) must include ((within the plan)) procedures for notification of a parent or guardian regarding the use of restraint or isolation under RCW 28A.600.485. If a student is served by an education center under RCW 28A.155.060, the student's individualized education program must also specify any additional procedures required to ensure the education center fully complies with RCW 28A.600.485.~~

NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.155 RCW to read as follows:

(1) Beginning December 1, 2023, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction must annually submit a report to the education committees of the legislature regarding student placements at education centers under RCW 28A.155.060. A summary of the report, including a link to the full report content, must also be posted on the office of the superintendent of public instruction's website. The report must include:

(a) The academic progress of students receiving special education services from education centers, using the results of the two most recent state assessments;

(b) The graduation rates of students who have received special education services from education centers;

(c) The rate at which students receiving special education services from education centers return to their resident school districts;

(d) Data on student restraint and isolation incidents, discipline, and attendance at education centers; and

(e) Any corrective action or change in an education center's approval status, as ordered by the office of the superintendent of public instruction.

(2) The data published under subsection (1) of this section must be disaggregated by education center when it is possible to do so without disclosing, directly or indirectly, a student's personally identifiable information as protected under the federal family educational rights and privacy act (Title 20 U.S.C. Sec. 1232g).

NEW SECTION. **Sec. 8.** The following acts or parts of acts are each repealed:

(1) RCW 28A.205.020 (Common school dropouts—Reimbursement) and 1999 c 348 s 3, 1997 c 265 s 7, 1993 c 211 s 2, 1990 c 33 s 181, 1979 ex.s. c 174 s 1, & 1977 ex.s. c 341 s 2;

(2) RCW 28A.205.030 (Reentry of prior dropouts into common schools, rules—

Eligibility for test to earn a high school equivalency certificate) and 2013 c 39 s 6;

(3) RCW 28A.205.040 (Fees—Rules—Priority for payment—Review of records) and 2013 c 39 s 7, 2006 c 263 s 412, 1999 c 348 s 4, 1990 c 33 s 183, 1979 ex.s. c 174 s 2, & 1977 ex.s. c 341 s 4;

(4) RCW 28A.205.070 (Allocation of funds—Criteria—Duties of superintendent) and 2006 c 263 s 409, 1993 c 211 s 6, 1990 c 33 s 185, & 1985 c 434 s 3;

(5) RCW 28A.205.080 (Legislative findings—Distribution of funds—Cooperation with school districts) and 1997 c 265 s 8, 1993 c 211 s 7, 1990 c 33 s 186, & 1987 c 518 s 220; and

(6) RCW 28A.205.090 (Inclusion of education centers program in biennial budget request—Quarterly plans—Funds—Payment) and 1993 c 211 s 8, 1990 c 33 s 187, & 1985 c 434 s 4.

NEW SECTION. **Sec. 9.** 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.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

March 28, 2023

SB 5331

Prime Sponsor, Senator Conway: Concerning job search requirements for unemployment insurance benefits. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

March 27, 2023

SSB 5405

Prime Sponsor, Labor & Commerce: Modifying the liquor and cannabis board's subpoena authority. Reported by Committee on Regulated Substances & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 66.08.145 and 2019 c 445 s 201 are each amended to read as follows:

(1) ((The)) Subject to subsection (2) of this section, the liquor and cannabis board may issue subpoenas in connection with any investigation, hearing, or proceeding for the production of books, records, and documents held under this chapter or

chapters 69.50, 69.51A, 70.155, 70.158, 70.345, 82.24, 82.26, and 82.25 RCW, and books and records of common carriers as defined in RCW 81.80.010, or vehicle rental agencies, relating to the transportation or possession of cannabis, cigarettes, vapor products, or other tobacco products.

(2)(a) Prior to signing, issuing, or serving a subpoena on or after the effective date of this section, the liquor and cannabis board shall, at a minimum, first attempt to obtain production of the books, records, or documents by:

(i) An informal investigative contact; and

(ii) Regular mail and certified mail.

(b) A subpoena under this section may be served by regular mail and certified mail or in person by either:

(i) An enforcement officer of the liquor and cannabis board who graduated from the Washington state criminal justice training commission and complies with (c) of this subsection (2); or

(ii) A private investigator licensed under chapter 18.165 RCW who complies with (c) of this subsection (2).

(c) Any individual signing, issuing, or serving a subpoena for the liquor and cannabis board on or after the effective date of this section must complete training on unconscious bias.

(d) Information about how to challenge the subpoena must be provided in writing to the person subject to the subpoena with the service of a subpoena under this section.

(e) The liquor and cannabis board shall sign, issue, and serve subpoenas under this section through a uniform process and procedures.

(f) Except as otherwise provided in this section, the liquor and cannabis board is subject to the requirements and duties with respect to subpoenas imposed under Washington state superior court civil rules in effect at the time of issuance of the subpoena, regarding:

(i) The form, issuance, and service of subpoenas; and

(ii) The duty to take responsible steps to avoid imposing undue burden or expense on a person subject to the subpoena.

(g) The liquor and cannabis board may designate individuals authorized to sign subpoenas.

(3) If any person is served a subpoena from the board for the production of records, documents, and books, and fails or refuses to obey the subpoena for the production of records, documents, and books when required to do so, the person is subject to proceedings for contempt, and the board may institute contempt of court proceedings in the superior court of Thurston county or in the county in which the person resides.

**NEW SECTION. Sec. 2.** (1) The liquor and cannabis board shall submit an annual report to the legislature and the governor, by the dates specified in subsection (2) of this section, with information about the subpoenas the board issued and served in the preceding year under RCW 66.08.145. The reports required under this section must

include, but are not limited to, the following information regarding subpoenas issued and served in the preceding year:

(a) The total number of subpoenas issued and served by the liquor and cannabis board;

(b) A comparison of how many subpoenas were issued and served in connection with investigations related to cannabis, liquor, cigarettes, vapor products, and tobacco products;

(c) How many subpoenas were issued and served to, or were related to an investigation of, a social equity applicant as defined in RCW 69.50.335 or a licensee who is licensed through the cannabis social equity program;

(d) The numbers of subpoenas served in person compared to subpoenas served by regular mail and certified mail;

(e) How many of the subpoenas successfully resulted in the production of the books, records, or documents sought by the liquor and cannabis board;

(f) How many contempt of court proceedings the liquor and cannabis board instituted for the failure or refusal to obey a subpoena; and

(g) A summary of sanctions imposed, or orders issued, by courts in any contempt of court proceedings initiated by the liquor and cannabis board after a person fails or refuses to obey a subpoena for the production of records, books, or documents.

(2) Reports under this section are due to the governor and the appropriate committees of the legislature by July 1, 2024, and by July 1st of each year thereafter, with a final report due by July 1, 2028.

(3) This section expires on June 30, 2029."

Correct the title.

Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Morgan; Orwall; Reeves; Walsh and Waters.

Referred to Committee on Rules for second reading

March 28, 2023

SSB 5436

Prime Sponsor, Law & Justice: Concerning transfers of firearms to museums and historical societies. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.113 and 2019 c 3 s 11 are each amended to read as follows:

(1) All firearm sales or transfers, in whole or part in this state including without limitation a sale or transfer where either the purchaser or seller or transferee or transferor is in Washington, shall be subject to background checks unless specifically exempted by state or federal law. The background check requirement applies to all sales or transfers including, but not limited to, sales and transfers

through a licensed dealer, at gun shows, online, and between unlicensed persons.

(2) No person shall sell or transfer a firearm unless:

(a) The person is a licensed dealer;

(b) The purchaser or transferee is a licensed dealer; or

(c) The requirements of subsection (3) of this section are met.

(3) Where neither party to a prospective firearms transaction is a licensed dealer, the parties to the transaction shall complete the sale or transfer through a licensed dealer as follows:

(a) The seller or transferor shall deliver the firearm to a licensed dealer to process the sale or transfer as if it is selling or transferring the firearm from its inventory to the purchaser or transferee, except that the unlicensed seller or transferor may remove the firearm from the business premises of the licensed dealer while the background check is being conducted. If the seller or transferor removes the firearm from the business premises of the licensed dealer while the background check is being conducted, the purchaser or transferee and the seller or transferor shall return to the business premises of the licensed dealer and the seller or transferor shall again deliver the firearm to the licensed dealer prior to completing the sale or transfer.

(b) Except as provided in (a) of this subsection, the licensed dealer shall comply with all requirements of federal and state law that would apply if the licensed dealer were selling or transferring the firearm from its inventory to the purchaser or transferee, including but not limited to conducting a background check on the prospective purchaser or transferee in accordance with federal and state law requirements, fulfilling all federal and state recordkeeping requirements, and complying with the specific requirements and restrictions on semiautomatic assault rifles in chapter 3, Laws of 2019.

(c) The purchaser or transferee must complete, sign, and submit all federal, state, and local forms necessary to process the required background check to the licensed dealer conducting the background check.

(d) If the results of the background check indicate that the purchaser or transferee is ineligible to possess a firearm, then the licensed dealer shall return the firearm to the seller or transferor.

(e) The licensed dealer may charge a fee that reflects the fair market value of the administrative costs and efforts incurred by the licensed dealer for facilitating the sale or transfer of the firearm.

(4) This section does not apply to:

(a) A transfer between immediate family members, which for this subsection shall be limited to spouses, domestic partners, parents, parents-in-law, children, siblings, siblings-in-law, grandparents, grandchildren, nieces, nephews, first cousins, aunts, and uncles, that is a bona fide gift or loan;

(b) The sale or transfer of an antique firearm;

(c) A temporary transfer of possession of a firearm if such transfer is necessary to prevent imminent death or great bodily harm to the person to whom the firearm is transferred if:

(i) The temporary transfer only lasts as long as immediately necessary to prevent such imminent death or great bodily harm; and

(ii) The person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law;

(d) A temporary transfer of possession of a firearm if: (i) The transfer is intended to prevent suicide or self-inflicted great bodily harm; (ii) the transfer lasts only as long as reasonably necessary to prevent death or great bodily harm; and (iii) the firearm is not utilized by the transferee for any purpose for the duration of the temporary transfer;

(e) Any law enforcement or corrections agency and, to the extent the person is acting within the course and scope of his or her employment or official duties, any law enforcement or corrections officer, United States marshal, member of the armed forces of the United States or the national guard, or federal official;

(f) A federally licensed gunsmith who receives a firearm solely for the purposes of service or repair, or the return of the firearm to its owner by the federally licensed gunsmith;

(g) The temporary transfer of a firearm (i) between spouses or domestic partners; (ii) if the temporary transfer occurs, and the firearm is kept at all times, at an established shooting range authorized by the governing body of the jurisdiction in which such range is located; (iii) if the temporary transfer occurs and the transferee's possession of the firearm is exclusively at a lawful organized competition involving the use of a firearm, or while participating in or practicing for a performance by an organized group that uses firearms as a part of the performance; (iv) to a person who is under (~~eighteen~~) 18 years of age for lawful hunting, sporting, or educational purposes while under the direct supervision and control of a responsible adult who is not prohibited from possessing firearms; (v) under circumstances in which the transferee and the firearm remain in the presence of the transferor; or (vi) while hunting if the hunting is legal in all places where the person to whom the firearm is transferred possesses the firearm and the person to whom the firearm is transferred has completed all training and holds all licenses or permits required for such hunting, provided that any temporary transfer allowed by this subsection is permitted only if the person to whom the firearm is transferred is not prohibited from possessing firearms under state or federal law;

(h) A person who (i) acquired a firearm other than a pistol by operation of law upon the death of the former owner of the firearm or (ii) acquired a pistol by operation of law upon the death of the former owner of the pistol within the preceding (~~sixty~~) 60 days. At the end of the (~~sixty~~) 60-day



period, the person must either have lawfully transferred the pistol or must have contacted the department of licensing to notify the department that he or she has possession of the pistol and intends to retain possession of the pistol, in compliance with all federal and state laws; ((e))

(i) A sale or transfer when the purchaser or transferee is a licensed collector and the firearm being sold or transferred is a curio or relic; or

(j) (i) A transfer, loan, gift, or bequest to a museum or historical society, or the return of loaned firearm(s) to its lender from a museum or historical society, and museum personnel while acting in the scope of their official duties, provided, however, that before returning a loaned firearm to its lender, a museum or historical society or personnel of the museum or historical society must comply with the requirements of subsection (3) of this section.

(ii) For the purposes of this subsection (j), "museum or historical society" means the same as in RCW 63.26.010 and is designated as a nonprofit organization under section 501(c)(3) of the internal revenue code."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

Referred to Committee on Rules for second reading

March 28, 2023

2SSB 5438 Prime Sponsor, Ways & Means: Facilitating supportive relationships with family and significant individuals within the behavioral health system. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall conduct its oversight of the community behavioral health system in a manner that is aware of, nurtures, and protects significant relationships in the life of behavioral health system clients. These relationships may involve family, friends, and others who play a significant role.

(2) The authority shall consider the following principles when administering programs and contracts and making policy:

(a) Every client should have a caring, compassionate family member involved in and advocating for their best treatment, in collaboration with medical professionals, based on their lifelong role in the person's life and their personal knowledge of their past and present welfare;

(b) Families who desire to be engaged in their children's behavioral health care

should be included when it is in the best interest of the client. Parents should be encouraged to be actively engaged in their children's behavioral health care including decision making and have decision-making rights, when appropriate. Family inclusion with disclosure of health information is possible under RCW 70.02.205;

(c) State policy and agency practices must be structured so as not to cause unnecessary trauma to a family. Family members should be able to participate in care decisions with medical experts without fear of loss of safety or residence. Parental rights and responsibilities should never be severed without evidence of abuse or neglect as a means for children to access an appropriate level of services, unless it is in the best interest of the client. It is incumbent on the state in such a situation to find ways to provide adequate services while maintaining support for well-bonded families;

(d) Whenever it is in the best interest of the client, family rights and responsibilities of parents should be maintained by inclusion in appropriate decision making relating to a child's residence, supervision, schooling, education, and health care while a minor or dependent child is placed in behavioral health out-of-home care pursuant to authority programs or contracts;

(e) Within existing legal constraints, the authority should recognize that strong family-like relationships which should be nurtured also arise through nonblood relationships. Consideration of developmental issues should recognize that development continues past the age of 18;

(f) The authority must consider that most effective treatment for a child is frequently whole family treatment. Families need assistance building, reestablishing, and strengthening healthy relationships to maximize recovery and resilience. Every effort should be made to assess and provide for the service needs of family members, either separately or in conjunction with their children or dependents;

(g) Medication use by children should be closely monitored and frequently evaluated, with expert support given to parents to help understand the risks and anticipated benefits of prescribed psychotropic medications; and

(h) The legal system should be employed only as a last resort. Medication management should not be handled through at-risk youth petitions. Advocacy should be employed to minimize court intrusion, such as by releasing restraining orders in behavioral health situations.

(3) The authority shall conduct a review of its policies related to behavioral health by June 30, 2024, in consultation with stakeholders, family members, and peers and identify and eliminate policies that undermine integrity and health of the family or discourage family engagement with service providers. The review may not include policies in support of RCW 7.70.065, 70.02.265, 70.24.110, 71.34.530, 71.34.600, or 71.34.610. The authority may notify the governor and appropriate committees of the

legislature by letter of the completion and outcomes of this review.

NEW SECTION. **Sec. 2.** A new section is added to chapter 72.23 RCW to read as follows:

(1) The department shall administer state hospitals in a manner that is aware of, nurtures, and protects significant relationships in the life of state hospital patients. These relationships may involve family, friends, and others who play a significant role.

(2) The department shall consider the following principles when administering programs and making policy:

(a) Every patient should have a caring, compassionate family member involved in and advocating for their best treatment, in collaboration with medical professionals, based on their lifelong role in the person's life and their personal knowledge of their past and present welfare;

(b) Families who desire to be engaged in their relative's behavioral health care should be included when it is in the best interest of the patient. Parents should be encouraged to be actively engaged in their children's behavioral health care and have decision-making rights, when appropriate. Family inclusion with disclosure of health information is possible under RCW 70.02.205;

(c) State hospital policy and practices must be structured so as not to cause unnecessary trauma to a family. Family members should be able to participate in care decisions with medical experts without fear of reprisal. It is incumbent on the state to find ways to provide adequate services while maintaining support for well-bonded families;

(d) Within existing legal constraints, the department should recognize that strong family-like relationships which should be nurtured also arise through nonblood relationships. Consideration of developmental issues should recognize that development continues past the age of 18;

(e) Whenever it is in the best interest of the patient, family rights and responsibilities of parents should be maintained by inclusion in appropriate decision making relating to a patient's residence, supervision, schooling, education, and health care;

(f) The department must consider the treatment needs of family members and the centrality of family in resilience in recovery for patients. Patients and families need assistance building, reestablishing, and strengthening healthy relationships. Every effort should be made to assess and provide for the needs of family members, either separately or in conjunction with the state hospital patient; and

(g) Medication use by children should be closely monitored and frequently evaluated, with expert support given to parents to help understand the risks and anticipated benefits of prescribed psychotropic medications.

(3) The department shall conduct a review of its policies related to allowing and facilitating family engagement with state hospital patients by June 30, 2024, in

consultation with stakeholders, family members, and peers, and identify and eliminate policies that undermine integrity and health of the family or discourage family engagement. The review may not include policies in support of RCW 7.70.065, 70.02.265, 70.24.110, 71.34.530, 71.34.600, or 71.34.610. The department may notify the governor and appropriate committees of the legislature by letter of the completion and outcomes of this review.

NEW SECTION. **Sec. 3.** This act may be known and cited as the family care act.

NEW SECTION. **Sec. 4.** This act does not create a private right of action."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation.  
Signed by Representative Graham.

Referred to Committee on Appropriations

March 28, 2023

E2SSB 5440 Prime Sponsor, Ways & Means: Providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that defendants referred for services related to competency to stand trial requiring admission into a psychiatric facility are currently facing unprecedented wait times in jail for admission. The situation has been exacerbated by closure of forensic beds and workforce shortages related to COVID-19, and treatment capacity limits related to social distancing requirements. Moreover, a backlog of criminal prosecutions that were held back during the first two years of the pandemic due to capacity limitations in courts, prosecuting attorneys offices, and jails, are now being filed, causing a surge in demand for competency services which exceeds the state's capacity to make a timely response. In partial consequence, as of January 2023, wait times for admission to western state hospital for competency services, directed to be completed within seven days by order of the United States district court for western Washington, have risen to over ten months, while wait times for admission to eastern state hospital for the same services have risen to over five months. 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 rapidly fall farther behind.

The legislature further finds that historical investments and policy changes have been made in behavioral health services over the past five 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 is expected to result in the opening of 58 forensic psychiatric beds in the first quarter of 2023, while emergency community hospital contracts are expected 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 will open at Maple Lane school in the first quarter of 2023, with 30 additional beds for patients acquitted by reason of insanity expected to open by late 2023 or early 2024. Over a longer time period, 350 forensic beds are planned to open within a new forensic hospital on western state hospital campus between 2027 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, and other specialty forensic services are now available and continuing to be deployed in phase two Trueblood settlement regions.

The legislature further finds that despite these investments there is a need for everyone to come together to find solutions to both reduce demand for forensic services and to increase their supply. The state needs collaboration from local governments and other entities to identify any and all facilities that can be used to provide services 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 10.77.010 and 2022 c 288 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Authority" means the Washington state health care authority.

(3) "Clinical intervention specialist" means a licensed professional with prescribing authority who is employed by or contracted with the department to provide direct services, enhanced oversight and monitoring of the behavioral health status of in-custody defendants who have been referred for evaluation or restoration services related to competency to stand

trial and who coordinate treatment options with forensic navigators, the department, and jail health services.

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

((4)) (5) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

((5)) (6) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

((6)) (7) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

((7)) (8) "Department" means the state department of social and health services.

((8)) (9) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

((9)) (10) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

((10)) (11) "Developmental disabilities professional" means a person who has specialized training and ((three years of)) experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

((11)) (12) "Developmental disability" means the condition as defined in RCW 71A.10.020 ((5)).

((12)) (13) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

((13)) (14) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

((14)) (15) "Genuine doubt as to competency" means that there is reasonable cause to believe, based upon actual interactions with or observations of the defendant or information provided by counsel, that a defendant is incompetent to stand trial.

(16) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be

undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

~~((15))~~ (17) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

~~((16))~~ (18) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

~~((17))~~ (19) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

~~((18))~~ (20) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

~~((19))~~ (21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

~~((20))~~ (22) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW;

(c) A psychiatric advanced registered nurse practitioner, as defined in RCW 71.05.020; or

(d) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

~~((21))~~ (23) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

~~((22))~~ (24) "Secretary" means the secretary of the department of social and health services or his or her designee.

~~((23))~~ (25) "Treatment" means any currently standardized medical or mental health procedure including medication.

~~((24))~~ (26) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

~~((25))~~ (27) "Violent act" means behavior that: (a) (i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

**Sec. 3.** RCW 10.77.060 and 2022 c 288 s 2 are each amended to read as follows:

(1) (a) Whenever a defendant has pleaded not guilty by reason of insanity, ~~((or there is reason to doubt his or her competency,))~~ the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b) (i) Whenever there is a doubt as to competency, the court on its own motion or on the motion of any party shall first review the allegations of incompetency. The court shall make a determination of whether sufficient facts have been provided to form a genuine doubt as to competency based on information provided by counsel, judicial colloquy, or direct observation of the defendant. If a genuine doubt as to competency exists, the court shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(ii) Nothing in this subsection (1) (b) is intended to require a waiver of attorney-client privilege. Defense counsel may meet the requirements under this subsection (1)

(b) by filing a declaration stating that they have reason to believe that a competency evaluation is necessary, and stating the basis on which the defendant is believed to be incompetent, without further detail required.

(c) The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, long-term services or supports, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional and the evaluator shall have access to records of the developmental disabilities administration of the department. If the court is advised by any party that the defendant may have dementia or another relevant neurocognitive disorder, the evaluator shall have access to records of the aging and long-term support administration of the department.

~~((e))~~ (d) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

~~((d))~~ (e) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

~~((e))~~ (f) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

~~((f))~~ (g) When a defendant is ordered to be evaluated under this subsection (1), or when a party or the court determines at first appearance that an order for evaluation under this subsection will be

requested or ordered if charges are pursued, the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(h) If the defendant ordered to be evaluated under this subsection (1) is charged with a serious traffic offense under RCW 9.94A.030, or a felony version of a serious traffic offense, the prosecutor may make a motion to modify the defendant's conditions of release to include a condition prohibiting the defendant from driving during the pendency of the competency evaluation period.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant suffers from a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant suffers from an intellectual or developmental disability, traumatic brain injury, or dementia, an opinion as to restorability;

(e) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3) ~~((d))~~ (e) unless the evaluator or court determines

that the defendant is competent to stand trial;

~~((e))~~ (f) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

~~((f))~~ (g) An opinion as to whether the defendant should be evaluated by a designated crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

(5) In the event that a person remains in jail more than 21 days after service on the department of a court order to transport the person to a facility designated by the department for inpatient competency restoration treatment, upon the request of any party and with notice to all parties, the department shall perform a competency to stand trial status check to determine if the circumstances of the person have changed such that the court should authorize an updated competency evaluation. The status update shall be provided to the parties and the court. Status updates may be provided at reasonable intervals.

(6) If a finding of the competency evaluation under this section or under RCW 10.77.084 is that the individual is not competent due to an intellectual or developmental disability or dementia, the evaluator shall notify the department, which shall refer the individual to the developmental disabilities administration or the aging and long-term support administration of the department for review of eligibility for services. Information about availability of services must be provided to the forensic navigator.

(7) If the expert or professional person appointed to perform a competency evaluation in the community is not able to complete the evaluation after two attempts at scheduling with the defendant, the department shall submit a report to the court and parties and include a date and time for another evaluation which must be at least four weeks later. The court shall provide notice to the defendant of the date and time of the evaluation. If the defendant fails to appear at that appointment, the court shall issue a warrant for the failure to appear and recall the order for competency evaluation.

**Sec. 4.** RCW 10.77.068 and 2022 c 288 s 3 are each amended to read as follows:

(1)(a) The legislature establishes a performance target of seven days or fewer to extend an offer of admission to a defendant in pretrial custody for inpatient competency evaluation or inpatient competency restoration services, when access to the services is legally authorized.

(b) The legislature establishes a performance target of 14 days or fewer for the following services related to competency

to stand trial, when access to the services is legally authorized:

(i) To complete a competency evaluation in jail and distribute the evaluation report; and

(ii) To extend an offer of admission to a defendant ordered to be committed to ~~((a state hospital))~~ the department for placement in a facility operated by or contracted by the department following dismissal of charges based on incompetency to stand trial under RCW 10.77.086.

(c) The legislature establishes a performance target of 21 days or fewer to complete a competency evaluation in the community and distribute the evaluation report.

(2)(a) A maximum time limit of seven days as measured from the department's receipt of the court order, or a maximum time limit of 14 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(a) of this section, subject to the limitations under subsection (9) of this section.

(b) A maximum time limit of 14 days as measured from the department's receipt of the court order, or a maximum time limit of 21 days as measured from signature of the court order, whichever is shorter, is established to complete the services specified in subsection (1)(b) of this section, subject to the limitations under subsection (9) of this section.

(3) The legislature recognizes that these targets may not be achievable in all cases, but intends for the department to manage, allocate, and request appropriations for resources in order to meet these targets whenever possible without sacrificing the accuracy and quality of competency services.

(4) It shall be a defense to an allegation that the department has exceeded the maximum time limits for completion of competency services described in subsection (2) of this section if the department can demonstrate by a preponderance of the evidence that the reason for exceeding the maximum time limits was outside of the department's control including, but not limited to, the following circumstances:

(a) Despite a timely request, the department has not received necessary medical information regarding the current medical status of a defendant;

(b) The individual circumstances of the defendant make accurate completion of an evaluation of competency to stand trial dependent upon review of mental health, substance use disorder, or medical history information which is in the custody of a third party and cannot be immediately obtained by the department, provided that completion shall not be postponed for procurement of information which is merely supplementary;

(c) Additional time is needed for the defendant to no longer show active signs and symptoms of impairment related to substance use so that an accurate evaluation may be completed;

(d) The defendant is medically unavailable for competency evaluation or admission to a facility for competency restoration;

(e) Completion of the referral requires additional time to accommodate the availability or participation of counsel, court personnel, interpreters, or the defendant;

(f) The defendant asserts legal rights that result in a delay in the provision of competency services; or

(g) An unusual spike in the receipt of evaluation referrals or in the number of defendants requiring restoration services has occurred, causing temporary delays until the unexpected excess demand for competency services can be resolved.

(5) The department shall provide written notice to the court when it will not be able to meet the maximum time limits under subsection (2) of this section and identify the reasons for the delay and provide a reasonable estimate of the time necessary to complete the competency service. Good cause for an extension for the additional time estimated by the department shall be presumed absent a written response from the court or a party received by the department within seven days.

(6) The department shall:

(a) Develop, document, and implement procedures to monitor the clinical status of defendants admitted to a state hospital for competency services that allow the state hospital to accomplish early discharge for defendants for whom clinical objectives have been achieved or may be achieved before expiration of the commitment period;

(b) Investigate the extent to which patients admitted to a state hospital under this chapter overstay time periods authorized by law and take reasonable steps to limit the time of commitment to authorized periods; and

(c) Establish written standards for the productivity of forensic evaluators and utilize these standards to internally review the performance of forensic evaluators.

(7) Following any quarter in which a state hospital has failed to meet one or more of the performance targets or maximum time limits under subsection (1) or (2) of this section, the department shall report to the executive and the legislature the extent of this deviation and describe any corrective action being taken to improve performance. This report shall be made publicly available. An average may be used to determine timeliness under this subsection.

(8) The department shall report annually to the legislature and the executive on the timeliness of services related to competency to stand trial and the timeliness with which court referrals accompanied by charging documents, discovery, and criminal history information are provided to the department relative to the signature date of the court order. The report must be in a form that is accessible to the public and that breaks down performance by county.

(9) This section does not create any new entitlement or cause of action related to the timeliness of competency to stand trial services, nor can it form the basis for contempt sanctions under chapter 7.21 RCW or a motion to dismiss criminal charges.

**Sec. 5.** RCW 10.77.074 and 2019 c 326 s 2 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 and shall appoint a forensic navigator in circumstances described under section 9 of this act.

(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 assess the individual for appropriateness for assisted outpatient treatment under chapter 71.05 RCW;

(d) 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, ~~((and))~~ to facilitate that transition; ~~((and~~

~~(d))~~ (e) To provide regular updates to the court and parties of the status of the individual's participation in diversion services and be responsive to inquiries by the parties about treatment status;

(f) 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 as part of a diversion program plan;

(viii) Planning for a coordinated transition of the individual to a case manager in the community behavioral health system;

((viii))(ix) Attempting to follow-up with the individual to check whether the meeting with a community-based case manager took place;

((ix))(x) When the individual is a high utilizer, attempting to connect the individual with high utilizer services; and

((x))(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) 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 ((nonclinical)) 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. 6.** RCW 10.77.084 and 2016 sp.s. c 29 s 410 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) The court's order for inpatient restoration, shall specify whether the department has the authority to change the defendant's placement to a step-down facility or outpatient competency restoration program if the department determines that such placement is clinically appropriate given the defendant's progress in restoration services.

(d) 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))(e) 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.

(f) 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.

**Sec. 7.** RCW 10.77.086 and 2022 c 288 s 4 are each amended to read as follows:

(1) If the defendant is charged with a felony that is not a qualifying class C felony, and that defendant is 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.

(2)(a) If the defendant is charged with a qualifying class C felony as their highest charge and determined to be incompetent, and the court finds that there is a diversion program as recommended by a forensic navigator, the court shall dismiss the proceedings without prejudice and refer the defendant to the recommended diversion program, except that if the court has previously determined that a diversion program under section 9 of this act is not appropriate, the forensic navigator does not recommend diversion, or the prosecutor objects to the dismissal and provides notice of a motion for an order for competency

restoration treatment, then the court shall schedule a hearing within seven days.

(b)(i) 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, and 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 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 (c) of this subsection.

(ii) 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 the state's compelling interest has been satisfied. 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. 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.

(c) If a court finds pursuant to (b) of this subsection that there is a compelling state interest in pursuing competency restoration treatment or the court has previously determined that a diversion program under section 9 of this act is not appropriate for the defendant, 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. If the court does not order the defendant to receive outpatient competency restoration, 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)(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;
- (ii) Abstain from alcohol and unprescribed drugs; and
- (iii) Comply with urinalysis or breathalyzer monitoring if needed.

(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) 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) If a defendant fails to comply with the restrictions of the outpatient 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)(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, emergency department of a local hospital, or triage facility 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) The court may not issue an order for outpatient competency restoration unless the ~~((department))~~ authority 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.

~~((2))~~(4)(a) For a defendant whose highest charge is a class C felony that is not a qualifying 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.

~~((3))~~(b) For a defendant whose highest charge is a qualifying class C felony, the maximum time allowed for competency restoration is 45 days if the defendant is referred for inpatient competency restoration, or 90 days if the defendant is referred for outpatient competency restoration. The court may order any combination of inpatient and outpatient competency restoration under this subsection, but the total period of inpatient competency restoration may not exceed 45 days.

(c) For any defendant with a felony charge that is admitted for 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 restoration, charges shall be dismissed 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 ~~((4))~~(7) of this section.

~~((4))~~(6) For a defendant charged with a felony that is not a qualifying class

C felony, 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's incompetence has been determined by the secretary to be solely the result of ((a))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.

~~((5))~~ (7) 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 ~~((a state hospital))~~ the department for placement in a facility operated or contracted by the department for up to 120 hours, upon department receipt of the court order, if the defendant has not undergone competency restoration services or has engaged in outpatient competency restoration services, and up to 72 hours, upon department receipt of the court order, 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. However, for a defendant charged with a felony that is not a qualifying class C felony, the court shall not dismiss the charges if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) 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.

~~((6))~~ (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) "Qualifying class C felony" means any class C felony offense except: (a) Assault in the third degree where bodily harm has occurred; (b) felony physical control of a vehicle under RCW 46.61.504(6); (c) felony hit and run resulting in injury under RCW 46.52.020(4)(b); and (d) any class C felony offense with a domestic violence designation.

**Sec. 8.** RCW 10.77.088 and 2022 c 288 s 5 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, then the court:

(a) Shall dismiss the proceedings without prejudice 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))~~ pursuant to subsection (5) 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) (i) 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 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.

(ii) 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 the state's compelling interest has been satisfied. 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.

(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 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)) 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.~~

~~((a))~~ (b) 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;

(ii) Abstain from alcohol and unprescribed drugs; and

(iii) Comply with urinalysis or breathalyzer monitoring if needed.

~~((b))~~ (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.

~~((e))~~ (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, emergency department of a local hospital, or triage facility 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 anticipate 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 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) 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) 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 (5) of this section.

(5) (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.

(6) 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.

(7) If at any time the court dismisses charges under subsections (1) through (6) 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 defendant is barred 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 state to the defendant and provide written notice that the defendant is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

(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.

**NEW SECTION. Sec. 9.** A new section is added to chapter 10.77 RCW to read as follows:

(1) In counties with a forensic navigator program, a forensic navigator shall:

(a) Meet, interview, and observe all defendants charged with a qualifying class C felony as defined in RCW 10.77.086(9) or a nonfelony who have had two or more competency evaluations in the preceding 24 months on separate charges or cause numbers and determine the defendants' willingness to engage with services under this section; and

(b) Provide a diversion program plan to the parties in each case that includes a recommendation for a diversion program to defense counsel and the prosecuting attorney. Services under a diversion program may include a referral for assisted outpatient treatment under chapter 71.05 RCW.

(2) If the parties agree on the diversion program recommended by the forensic navigator, the prosecutor shall request dismissal of the criminal charges.

(3) If the parties do not agree on the diversion program, the defense may move the court for an order dismissing the criminal charges without prejudice and referring the defendant to the services described in the diversion program. The court shall hold a hearing on this motion within 10 days. The court shall grant the defense motion if it finds by a preponderance of the evidence that the defendant is amenable to the services described in the diversion program and can safely receive services in the community.

(4) Individuals who receive a dismissal of charges and referral to services described in a diversion program shall have a forensic navigator assigned to assist them for up to six months while engaging in the services described in the diversion program. The forensic navigator shall provide monthly status updates to the court and the parties regarding the individual's status in the diversion program.

**Sec. 10.** RCW 10.77.092 and 2014 c 10 s 2 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 felony offense (~~(, except nonfelony counterfeiting offenses,)~~) included in crimes against persons in RCW 9.94A.411;

(c) Any felony offense contained in chapter 9.41 RCW (firearms and dangerous weapons);

(d) Any felony or gross misdemeanor offense listed as domestic violence in RCW 10.99.020;

(e) Any felony offense listed as a harassment offense in chapter 9A.46 RCW;

(f) Any violation of chapter 69.50 RCW that is a class B felony; (~~or~~)

(g) Any gross misdemeanor violation of RCW 46.61.502 or 46.61.504;

(h) Any gross misdemeanor offense with a sexual motivation allegation; or

(i) Any city or county ordinance or statute that is equivalent to an offense referenced in this subsection.

(2) Anytime the secretary seeks a court order authorizing the involuntary medication

for purposes of competency restoration pursuant to RCW 10.77.084, the secretary's 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.

**NEW SECTION. Sec. 11.** A new section is added to chapter 10.77 RCW to read as follows:

(1) When an individual has a prescription for an antipsychotic, antidepressant, antiepileptic, or other drug prescribed to the individual to treat a serious mental illness by a state hospital or other state facility or a behavioral health agency or other certified medical provider, and the individual is medically stable on the drug, a jail or juvenile detention facility shall continue prescribing the prescribed drug and may not require the substitution of a different drug in a given therapeutic class, except under the following circumstances:

(a) The substitution is for a generic version of a name brand drug and the generic version is chemically identical to the name brand drug; or

(b) The drug cannot be prescribed for reasons of drug recall or removal from the market, or medical evidence indicating no therapeutic effect of the drug.

(2) This section includes but is not limited to situations in which the individual returns to a jail or juvenile detention facility directly after undergoing treatment at a state hospital, behavioral health agency, outpatient competency restoration program, or prison.

(3) The department shall establish a program to reimburse jails and juvenile detention facilities for the costs of any

drugs the jail or juvenile detention facility does not otherwise have available and must continue prescribing under this section.

**NEW SECTION. Sec. 12.** A new section is added to chapter 10.77 RCW to read as follows:

(1) Following a competency evaluation under RCW 10.77.060, individuals who are found not competent to stand trial and not restorable due to an intellectual or developmental disability, dementia, or traumatic brain injury, shall not be referred for competency restoration services unless the highest current criminal charge is a violent offense or sex offense as defined in RCW 9.94A.030. A defendant with a prior finding under this subsection may only be referred for competency restoration services if the highest charge under the new proceedings is a violent offense or sex offense as defined in RCW 9.94A.030.

(2) The department shall develop a process for connecting individuals who have been found not competent to stand trial due to an intellectual or developmental disability, dementia, or traumatic brain injury to available wraparound services and residential supports. The process shall include provisions for individuals who are current clients of the department's developmental disabilities administration or aging and long-term support administration and for individuals who are not current clients of the department.

(a) For current clients of the developmental disabilities administration and aging and long-term support administration, the department's assigned case manager shall:

(i) Coordinate with the individual's services providers to determine if the individual can return to the same or like services, or determine appropriate new services. This shall include updating the individual's service plan and identifying and coordinating potential funding for any additional supports to stabilize the individual in any setting funded by the developmental disabilities administration or aging and long-term support administration so that the individual does not lose existing services, including submitting any exceptions to rule for additional services;

(ii) Conduct a current service eligibility assessment and send referral packets to service providers, both the developmental disabilities administration and aging and long-term support administration, for all services for which the individual is eligible if they do not have a current residential service and supports provider; and

(iii) Connect with the individual's assigned forensic navigator and determine if the individual is eligible for any diversion, supportive housing, or case management programs as a Trueblood class member, and assist the individual to access these services.

(b) For individuals who have not established eligibility for the department's residential and support services, the department shall:

(i) Conduct an eligibility determination for services of the developmental disabilities administration and aging and long-term support administration and send referral packets to residential service providers and both the developmental disabilities administration and aging and long-term support administration for all relevant services for which the individual is eligible. This process must include identifying and coordinating funding for any additional supports that are needed to stabilize the individual in any residential setting funded by the developmental disabilities administration or aging and long-term support administration, including pursuing any necessary exceptions to rule; and

(ii) Connect with the individual's assigned forensic navigator and determine if the individual is eligible for any diversion, supportive housing, or case management programs as a Trueblood class member, if additional specialized services are available to supplement diversion program services, and assist the individual to access these services.

(3) The department shall offer to transition the individual in services either directly from the jail or as soon thereafter as may be practicable, without maintaining the individual at an inpatient facility for longer than is clinically necessary. Nothing in this subsection prohibits the department from returning the individual to their home or to another less restrictive setting if such setting is appropriate, which may include provision of supportive services to help the person maintain stability. The individual is not required to accept developmental disabilities administration, aging and long-term support administration, or other diversionary services as a condition of having the individual's criminal case dismissed without prejudice, provided the individual meets the criteria of subsection (1) of this section.

(4) Subject to the availability of funds appropriated for this specific purpose, the department shall develop a program for individuals who have been involved with the criminal justice system and who have been found under RCW 10.77.084 as incompetent to stand trial and not restorable due to an intellectual or developmental disability, traumatic brain injury, or dementia and who do not meet criteria under other programs in this section. The program must involve wraparound services and housing supports appropriate to the needs of the individual. It is sufficient to meet the criteria for participation in this program if the individual has recently been the subject of criminal charges that were dismissed without prejudice and was found incompetent to stand trial due to an intellectual or developmental disability, traumatic brain injury, or dementia.

**NEW SECTION. Sec. 13.** Subject to the availability of funds appropriated for this specific purpose, the health care authority shall require the programs it contracts with to increase compensation for staff in outpatient competency restoration programs

to provide compensation at competitive levels to improve recruitment and allow for the full implementation of outpatient competency restoration programs.

**NEW SECTION. Sec. 14.** A new section is added to chapter 10.77 RCW to read as follows:

An outpatient competency restoration program must include access to a prescriber.

**NEW SECTION. Sec. 15.** A new section is added to chapter 10.77 RCW to read as follows:

Jails shall allow clinical intervention specialists to have access to individuals who are referred to receive services under this chapter and to all records relating to the health or conduct of the individual while incarcerated. Clinical intervention specialists shall support jail health services in providing direct services, enhanced oversight and monitoring of the behavioral health status of participating individuals. Clinical intervention specialists shall work collaboratively with jail health services to ensure appropriate prescriptions, medication compliance monitoring, and access to supportive behavioral health services to the individuals. Clinical intervention specialists shall coordinate with forensic navigators and the department to assist forensic navigators in making recommendations for appropriate placements, which may include recommendations for participation in an outpatient competency restoration program or a diversion program designed for the needs of the individual. The clinical intervention specialist shall notify the department if a participating individual appears to have stabilized in their behavioral health such that a new competency evaluation is appropriate to reassess the individual's need for competency restoration treatment.

**NEW SECTION. Sec. 16.** A new section is added to chapter 10.77 RCW to read as follows:

The department shall collect data so that information can be retrieved based on unique individuals, their complete Washington criminal history and referrals for forensic services.

**NEW SECTION. Sec. 17.** A new section is added to chapter 10.77 RCW to read as follows:

(1) The department shall coordinate with cities, counties, hospitals, and other public and private entities to identify locations that may be commissioned or renovated for use in treating clients committed to the department for competency evaluation, competency restoration, civil conversion, or treatment following acquittal by reason of insanity.

(2) The department may provide capital grants to entities to accomplish the purposes described in subsection (1) of this section subject to provision of funding provided for this specific purpose.

NEW SECTION. **Sec. 18.** Sections 6 through 8 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. **Sec. 19.** Section 12 of this act takes effect December 1, 2023."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

March 27, 2023

SSB 5491 Prime Sponsor, Local Government, Land Use & Tribal Affairs: Allowing for residential buildings of a certain height to be served by a single exit under certain conditions. Reported by Committee on Housing

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 19.27 RCW to read as follows:

(1) The state building code council shall convene a technical advisory group for the purpose of recommending modifications and limitations to the international building code that would allow for a single exit stairway to serve multifamily residential structures up to six stories above grade plane. The recommendations must include considerations for adequate and available water supply, the presence and response time of a professional fire department, and any other provisions necessary to ensure public health, safety, and general welfare.

(2) The technical advisory group shall provide its recommendations to the council in time for the council to adopt or amend rules or codes as necessary for implementation in the 2024 international building code. The council shall take action to adopt additions and amendments to rules or codes as necessary by July 1, 2026."

Correct the title.

Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Barkis; Bateman; Chopp; Entenman; Hutchins; Low; Reed and Taylor.

Referred to Committee on Rules for second reading

March 28, 2023

ESSB 5528 Prime Sponsor, Labor & Commerce: Concerning retainage requirements for

private construction projects. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) An owner, contractor, or subcontractor may withhold as retainage an amount equal to not more than five percent of the contract price of the work completed for private construction projects. Partial payment allowed under this subsection is not acceptance or approval of some of the work or a waiver of defects in the work.

(2) The owner, contractor, or subcontractor shall pay interest at the rate of one percent per month on the final payment due the contractor or subcontractor. The interest shall commence 30 days after the contractor or subcontractor has completed and the owner has accepted the work under the contract for construction for which the final payment is due. The interest shall run until the date when final payment is tendered to the contractor or subcontractor.

(3) When the contractor or subcontractor considers the work that the contractor or subcontractor is contracted to perform to be complete, the contractor or subcontractor shall notify the party to whom the contractor or subcontractor is responsible for performing the construction work under the contract.

(4) The party shall, within 15 days after receiving the notice, either accept the work or notify the contractor or subcontractor of work yet to be performed under the contract or subcontract. If the party does not accept the work or does not notify the contractor or subcontractor of work yet to be performed within the time allowed, the interest required under this subsection shall commence 30 days after the end of the 15-day period. A contractor may provide notice under this subsection to an owner or upper-tier contractor for release of retainage due to a subcontractor whose work is complete. If an owner or upper-tier contractor does not accept the subcontractor's work or does not notify the contractor of work yet to be performed by the subcontractor within 15 days after receiving the notice, the interest required under this section shall commence 30 days after the end of the 15-day period. A contractor's obligation to pay interest to a subcontractor under this section does not begin until the contractor has received payment for the subcontractor's retainage provided that the contractor has submitted the subcontractor's retainage request to the owner or upper-tier contractor within 30 days after receipt from the subcontractor.

(5) This section does not apply to single-family residential construction less than 12 units.

NEW SECTION. **Sec. 2.** (1) In lieu of retainage, a subcontractor or contractor may tender, and a contractor or owner must



accept, a retainage bond in an amount not to exceed five percent of the moneys earned by the subcontractor or contractor.

(2) A subcontractor or contractor must provide a good and sufficient bond from an authorized surety company, conditioned that such person or persons must:

(a) Faithfully perform all the provisions of such contract;

(b) Pay all laborers, mechanics, and subcontractors and material suppliers, and all persons who supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work; and

(c) Pay the taxes, increases, and penalties incurred on the project.

(3) The contractor or owner may require that the authorized surety have a minimum A.M. Best financial strength rating so long as that minimum rating does not exceed A-. The contractor may withhold the subcontractor's portion of the bond premium, to the extent the contractor provides a retainage bond to obtain a release of the subcontractor's retainage.

(4) The contractor or owner must accept a bond meeting the requirements of this section. The subcontractor or contractor's bond and any proceeds therefrom are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in the contract and other applicable provisions.

(5) Whenever an owner accepts a bond in lieu of retained funds from a contractor, the contractor must accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor must then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within 30 days of accepting the bond from the subcontractor or supplier.

(6) This section does not apply to single-family residential construction less than 12 units.

**NEW SECTION. Sec. 3.** Sections 1 and 2 of this act only apply to private construction projects and do not apply to public improvement contracts, as defined in RCW 60.28.011.

**NEW SECTION. Sec. 4.** Sections 1 through 3 of this act constitute a new chapter in Title 60 RCW."

Correct the title.

Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

March 27, 2023

**ESSB 5546** Prime Sponsor, Labor & Commerce:  
Establishing a Washington state cannabis commission. Reported by Committee on Regulated Substances & Gaming

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that the Washington state liquor and cannabis board exists to promote safe communities and public safety, and that there is no state entity to oversee research and education of the state's cannabis industry.

(2) The legislature therefore declares:

(a) The Washington state cannabis commission may be established to benefit the people of the state of Washington and its economy;

(b) The general welfare of the people of the state will be served by the research and development of best practices surrounding safe cultivation and processing activities of cannabis so the industry is therefore affected with the public interest;

(c) The Washington state cannabis commission is intended to support social equity efforts in the cannabis industry, including increasing participation in licensed cannabis production and licensed cannabis production and processing under RCW 69.50.325 by persons who reside in, or have resided in, a disproportionately impacted area, as defined in RCW 69.50.335, or who are both a socially and economically disadvantaged individual as defined by the office of minority and women's business enterprises under chapter 39.19 RCW, with a goal of reducing accumulated harm suffered by individuals, families, and local areas subject to severe impacts from the historical application and enforcement of cannabis prohibition laws; and

(d) Creating a Washington state cannabis commission for the public purpose of administering the revenue of the commission serves the public interest by materially advancing the producing and processing of cannabis and improving sustainability in the cannabis producing and processing sectors.

(3) To complement the development of a comprehensive regulatory scheme for the production and processing of cannabis and cannabis products, the legislature further declares that:

(a) It is in the overriding public interest that the state support responsible agricultural production of cannabis in order to:

(i) Protect the public by providing research and education in reference to the quality, care, and methods used in the production of cannabis and cannabis products; and

(ii) Support and engage in programs or activities that benefit the safe production, handling, processing, and uses of cannabis and cannabis products; and

(b) Cannabis production and processing is a highly regulated industry and that this chapter and the rules adopted under it are only one aspect of the regulated industry. Other applicable laws include:

(i) Chapter 15.130 RCW, the food safety and security act;

(ii) Chapter 15.125 RCW, cannabis and cannabis products;

MAJORITY recommendation: Do pass as amended.

(iii) Title 69 RCW, food, drugs, cosmetics, and poisons; and

(iv) Chapter 82.08 RCW, retail sales tax.

(4) This chapter and any rules adopted under this chapter are for the purpose of fostering responsible and orderly agricultural production of cannabis. Nothing in this chapter should be interpreted to conflict with or supersede the overriding regulatory authority the legislature has already granted to other state agencies.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Active cannabis producer" means a cannabis producer who reported gross income that is subject to tax under chapter 82.04 RCW in the calendar year before the date of a referendum under section 3 of this act.

(2) "Active cannabis producer/processor" means a cannabis producer/processor who reported gross income that is subject to tax under chapter 82.04 RCW in the calendar year before the date of a referendum under section 3 of this act.

(3) "Board" means the Washington state liquor and cannabis board.

(4) "Cannabis" has the meaning provided in RCW 69.50.101.

(5) "Cannabis producer" has the meaning provided in RCW 69.50.101.

(6) "Cannabis products" has the meaning provided in RCW 69.50.101.

(7) "Cannabis processor" has the meaning provided in RCW 69.50.101.

(8) "Cannabis producer/processor" means any person or legal entity holding both a cannabis producer license and a cannabis processor license as defined in RCW 69.50.101.

(9) "Cannabis researcher" has the same meaning provided in RCW 69.50.101.

(10) "Cannabis retailer" has the same meaning provided in RCW 69.50.101.

(11) "Commission" means the Washington state cannabis commission established in this chapter.

(12) "Cooperative" means a cannabis cooperative formed by qualifying patients, designated providers, or both, which meets the requirements of RCW 69.51A.250 and rules adopted under that section.

(13) "District" means each of the geographical areas of the state of Washington defined in subsections (14) through (17) of this section.

(14) "District 1" means the geographical area including the counties of Clallum, Island, Jefferson, King, San Juan, Skagit, Snohomish, and Whatcom.

(15) "District 2" means the geographical area including the counties of Chelan, Douglas, Ferry, Grant, Kittitas, Okanogan, Pend Oreille, and Stevens.

(16) "District 3" means the geographical area including the counties of Adams, Asotin, Benton, Columbia, Franklin, Garfield, Lincoln, Spokane, Walla Walla, Whitman, and Yakima.

(17) "District 4" means the geographical area including the counties of Clark, Cowlitz, Grays Harbor, Kitsap, Klickitat,

Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum.

(18) "Fiscal year" means the 12-month period beginning July 1st of any year and ending June 30th.

(19) "Interested parties" means governmental departments, agencies, and bodies at the federal, state, or local levels. "Interested parties" includes tribal governments, universities, national and international associations, and other public or private sector organizations with an interest in cannabis-related matters.

(20) "Tier" means any of the production licensing categories established by rule of the board.

**NEW SECTION. Sec. 3.** (1) Subject to subsection (7) of this section, upon receipt of a petition containing the signatures of five active cannabis producers or active cannabis producer/processors, to implement this chapter and to determine participation in the commission and assessment under this chapter, the director must conduct a referendum of active cannabis producers and active cannabis producer/processors.

(a) The referendum must be conducted within 60 days of receipt of the petition.

(b) The department must establish a list of active cannabis producers and active cannabis producer/processors eligible to vote in the referendum in collaboration with the board and the department of revenue. Inadvertent failure to notify an active cannabis producer or active cannabis producer/processor does not invalidate a proceeding conducted under this chapter.

(2) The requirements of assent or approval of a referendum under subsection (1) of this section are met if:

(a) At least 51 percent by numbers of the participants in the referendum vote affirmatively; and

(b) At least 40 percent of the active cannabis producers and 40 percent of the active cannabis producer/processors have been represented in the referendum to determine assent or approval of participation and assessment.

(3) If the director determines that the requisite assent has not been given in the referendum conducted under subsection (1) of this section, the director must take no further action to implement or enforce this chapter.

(4) Upon completion of the referendum conducted under subsection (1) of this section, the department must tally the results of the vote and provide the results to participants. The department must create rules for an active cannabis producer or an active cannabis producer/processor to dispute the results of a vote within 60 days from the announced results.

(5) The director is not required to hold a referendum under subsection (1) of this section more than once in any 12-month period.

(6) The director may conduct voting on a referendum under this chapter by electronic means, paper ballots, or both.

(7) No referendum may be conducted under this section until July 1, 2025, unless the director receives written notice from the

liquor and cannabis board that, pursuant to separate legislation enacted after January 1, 2023, the liquor and cannabis board has issued or reissued the maximum number of cannabis producer and processor licenses made available for issuance or reissuance to applicants meeting social equity criteria under the terms of the separately enacted legislation.

**NEW SECTION. Sec. 4.** Within 60 days of the director determining that requisite assent has been given in a referendum conducted under section 3 of this act, the director must establish the Washington state cannabis commission to:

(1) Plan and conduct programs for cannabis-related matters;

(2) Provide funding for conducting research in accordance with commission rules;

(3) Coordinate with and advise interested parties regarding cannabis-related matters within the scope of the powers and purposes of the commission in accordance with commission rules;

(4) Coordinate with interested parties to standardize methods by which to identify and determine the genetics, strains, cultivars, phenotypes, standards, and grades of cannabis, and advise on cannabis packaging and labeling requirements;

(5) Conduct reviews, surveys, and inquiries regarding market metrics and analytics, including trends, revenues, profitability, projections, production, business practices, and other economic drivers of the cannabis industry;

(6) Inform and advise cannabis producers and cannabis producer/processors on cannabis-related matters, including, without limitation, educational information on cannabis cultivation, usage, risks, and related technical and scientific developments;

(7) Provide cannabis-related education and training to cannabis producers, cannabis producer/processors, cannabis researchers, and their employees, which may include education and training on cannabis health and safety information;

(8) Provide information and services for meeting resource conservation objectives of cannabis producers and cannabis producer/processors;

(9) Assist and cooperate with federal, state, and local government agencies in the investigation and control of pests, diseases, and other factors that could adversely affect the cultivation, quality, and safety of cannabis produced in this state;

(10) Advance the knowledge and practices of cannabis production in this state through research and testing methods to improve pest management, worker protection, safety training, energy efficiency, and environmental protection;

(11) Support Washington state's policies and work to improve social equity in the cannabis industry by: (a) Increasing participation in licensed cannabis production and licensed cannabis production and processing by persons who reside in, or have resided in, a disproportionately

impacted area, as defined in RCW 69.50.335, or who are both a socially and economically disadvantaged individual as defined by the office of minority and women's business enterprises under chapter 39.19 RCW; and (b) raising awareness about and working to eliminate unconscious bias;

(12) Limit youth access and youth exposure to cannabis;

(13) Enable cannabis producers and cannabis producer/processors, in cooperation with the commission, to:

(a) Develop and engage in research, including, without limitation, discovering better and more efficient production, irrigation, odor mitigation, processing, transportation, handling, packaging, and use of cannabis and cannabis products; and

(b) Discover and develop new and improved cultivars;

(14) Establish uniform grading and proper preparation of cannabis products for market;

(15) Protect the interest of consumers and the state by advising on the overall production of cannabis; and

(16) Advance the knowledge and practices of processing cannabis in this state.

**NEW SECTION. Sec. 5.** (1) The commission must:

(a) Elect a chair and other officers by a majority vote of the commission or in accordance with bylaws adopted by the commission;

(b) Adopt, rescind, and amend bylaws and other internal rules necessary for the administration and operation of the commission and for carrying out its duties in this chapter;

(c) Administer and enforce the provisions of this chapter;

(d) Designate a public records officer, rules coordinator, and other representatives required under laws governing state agencies and commissions;

(e) Comply with all other laws applicable to state agencies and commissions;

(f) Institute and maintain in its own name any legal actions, including actions by injunction, mandatory injunction, civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out this chapter, and to sue and be sued as a commission, without individual liability for acts of the commission within the scope of the powers conferred by this chapter; and

(g) Keep accurate records of all receipts and disbursements, which must be open to inspection and audit by the state auditor or its designee at least every five years and at any time by a duly appointed internal auditor by majority vote of the commission.

(2) The commission may:

(a) Employ and discharge, in its discretion, managers, secretaries, agents, attorneys, and employees, and engage the services of independent contractors as the commission deems necessary to fulfill duties, and to fix compensation. However, until assessment collections in section 15 of this act equal at least \$1,000,000, the commission must contract for staff support;

(b) Acquire and transfer personal and real property, establish offices, incur

expenses, enter into contracts and cooperative agreements, and create such debt and other liabilities as may be reasonable to fulfill its duties under this chapter;

(c) Make necessary disbursements for routine operating expenses;

(d) Expend funds for all activities permitted under this chapter;

(e) Cooperate with interested parties to fulfill its duties under this chapter;

(f) Serve as a liaison on behalf of the general cannabis producing and processing industries to the board and other interested parties, and not on behalf of any individual cannabis producer or cannabis producer/processor;

(g) Solicit, accept, retain, and expend any gifts, bequests, contributions, or grants from private persons or public agencies to carry out this chapter;

(h) Retain the services of private legal counsel, which is subject to the appointment and approval by the office of the state attorney general;

(i) Engage in appropriate activities and events to support commission activities authorized by this chapter;

(j) Participate in meetings, hearings, and other proceedings regarding cannabis, including, without limitation, the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of cannabis, including activities authorized under RCW 42.17A.635 and the reporting of such activities to the public disclosure commission;

(k) Obtain from the board, a list of the names and addresses of cannabis producers, cannabis processors, cannabis producer/processors, and cannabis retailers, and other available data from the state as requested by the commission relative to its duties under this chapter;

(l) Acquire, create, develop, and own intellectual property rights, licenses, and patents, and to collect royalties resulting from the sale or licensing of commission-funded research. However, results and recommendations from research conducted or funded by the commission must be available to all cannabis producers and cannabis producer/processors without charge, except for reasonable costs as the commission may determine;

(m) Speak on behalf of the Washington state government regarding agricultural production of cannabis in this state, subject to oversight of both the director and the director of the board;

(n) Possess cannabis products for the limited purposes of this chapter;

(o) Adopt rules to implement this chapter; and

(p) Exercise other powers and duties reasonably necessary to carry out this chapter.

**NEW SECTION. Sec. 6.** The department must serve as the commission's rules coordinator. Rules adopted by the commission must be approved by the director.

**NEW SECTION. Sec. 7.** (1) The commission is composed of the following 13 voting members:

(a) Eight cannabis producer or cannabis producer/processor members, two each from district 1, district 2, district 3, and district 4;

(b) One statewide at-large cannabis producer or cannabis producer/processor member who is licensed by the liquor and cannabis board pursuant to social equity criteria under separately enacted legislation identified in section 3(7) of this act;

(c) One statewide tier one cannabis producer or cannabis producer/processor member from any district;

(d) One statewide tier two cannabis producer or cannabis producer/processor member from any district;

(e) One statewide tier three cannabis producer or cannabis producer/processor member from any district; and

(f) The director.

(2) Except as provided in subsection (6) of this section, each member of the commission other than the director must:

(a) Be 21 years of age or older;

(b) Be a citizen and resident of this state;

(c) Directly hold or be named an owner in whole or majority part of an entity holding the relevant business license issued by the board. This license must not be suspended at the time of nomination, election, or appointment and must not be suspended at any time during the member's term;

(d) Be an officer or employee of a corporation, firm, partnership, association, or cooperative engaged in the active production of cannabis within this state for a period of three years and have, during that period, derived a substantial portion of his or her income from cannabis production; and

(e) Continue to meet all membership qualifications throughout the member's term.

(3) Seven voting members constitute a quorum of the commission.

(4) Commission members must be reimbursed for expenses incurred in the performance of their duties under this chapter in accordance with RCW 43.03.050 and 43.03.060.

(5) Commission members shall complete training on unconscious bias.

(6) The member of the commission identified in subsection (1)(b) of this section is not subject to the requirements in subsection (2)(d) of this section to be engaged in the active production of cannabis within this state for a period of three years and have, during that period, derived a substantial portion of his or her income from cannabis production.

**NEW SECTION. Sec. 8.** (1) The director must select initial members to appoint to the commission from a pool of self-nominated cannabis producers or cannabis producer/processors from district 1, district 2, district 3, and district 4.

(2) The director has discretion in determining which members are appointed to the term limits in (a) through (c) of this subsection but, within 90 days after the effective date of this section, must appoint the initial commission members in accordance with the following:

(a) Four members must be appointed for a one-year term;

(b) Four members must be appointed for a two-year term; and

(c) Four members must be appointed for a three-year term.

(3) The commission must establish by rule the process by which commission members are elected and any vacancy appointments are made.

(4) When making initial and replacement appointments, the director must give priority to persons representing the diverse communities of the state to maintain a balanced representation of members where practicable.

NEW SECTION. **Sec. 9.** (1) On a fiscal year basis and before each fiscal year beginning, the commission must develop and submit, to the director, each of the following:

(a) A budget; and

(b) Any plans concerning, without limitation:

(i) The establishment, issuance, effectuation, or administration of commission governance issues; and

(ii) The initiation or establishment of any rule making.

(2) The director must timely review and approve or deny each submission in this section.

(3) The director must review the commission's education program to ensure its consistency with applicable state and federal laws.

NEW SECTION. **Sec. 10.** The commission must deposit moneys collected under this chapter and section 15 of this act in a separate account in the name of the commission in any bank that is a state depository. All expenditures and disbursements made from this account under this chapter may be made without the necessity of a specific legislative appropriation. None of the provisions of RCW 43.01.050 and 69.50.540 apply to this account or to the moneys received, collected, or expended under this chapter.

NEW SECTION. **Sec. 11.** The fee levied under section 15 of this act constitutes a personal debt of every person charged or who otherwise owes the fee, and the fee is due and payable to the commission.

NEW SECTION. **Sec. 12.** (1) Financial and commercial information and records submitted to the board or the commission to administer this chapter may be shared between the board and the commission. The information or records may also be used, if required, in any action or administrative hearing relative to this chapter.

(2) This section does not prohibit:

(a) The issuance of general statements based upon the reports of a cannabis producer or cannabis producer/processor under this chapter if the statements do not identify a specific licensee; or

(b) The publication by the director or the commission of the name of a cannabis

producer or cannabis producer/processor violating this chapter and a statement of the violation.

NEW SECTION. **Sec. 13.** Obligations incurred by the commission and any other liabilities or claims against the commission must be enforced only against the assets of the commission and, except to the extent of such assets, no liability for the debts or actions of the commission exists against either the state of Washington or any subdivision or instrumentality thereof or against any member, employee, or agent of the commission or the state of Washington in his or her individual capacity. Except as otherwise provided in this chapter, neither the commission members, nor its employees, may be held individually responsible for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No person or employee may be held individually responsible for any act or omission of any other commission members. The liability of the commission members shall be several and not joint, and no member is liable for the default of any other member. This provision confirms that commission members have been and continue to be, state officers or volunteers for purposes of RCW 4.92.075 and are entitled to the defenses, indemnifications, limitations of liability, and other protections and benefits of chapter 4.92 RCW.

NEW SECTION. **Sec. 14.** All costs incurred by the board and the department, including staff support and the adoption of rules or other actions necessary to carry out this chapter must be reimbursed by the commission. Costs incurred under this section must include initial estimates of work and line-item accounting of the costs incurred.

NEW SECTION. **Sec. 15.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Pursuant to referendum under section 3 of this act, to provide for permanent funding of the Washington state cannabis commission, the board must impose and collect an assessment from all cannabis producers and cannabis producer/processors.

(2) The initial rate of assessment is:

(a) 0.29 percent of all sales revenue conducted by a cannabis producer who is not a cannabis producer/processor subject to an assessment under (b) of this subsection; and

(b) 0.145 percent of all sales revenue conducted by a cannabis producer/processor.

(3) After the initial assessment is approved, the commission may modify the assessment if submitted for approval by referendum. The requirements of assent or approval of a referendum under this subsection are met if:

(a) At least 60 percent by numbers of the participants in the referendum vote affirmatively to approve the modification; and

(b) At least 40 percent of the active cannabis producers and 40 percent of the active cannabis producer/processors have been represented in the referendum to determine assent or approval of the modification.

(4) Assessments collected under this section must be disbursed at least quarterly to the Washington state cannabis commission established in section 4 of this act for use in carrying out the purposes of chapter 15.--- RCW (the new chapter created in section 17 of this act).

(5) Until October 31, 2028, the assessments in this section do not apply to a cannabis producer or cannabis producer/processor licensed under the social equity program in this chapter.

**Sec. 16.** RCW 41.06.070 and 2019 c 146 s 3 are each amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, and temporary employees, and part-time professional consultants, as defined by the director;

(m) Officers and employees of the Washington state fruit commission;

(n) Officers and employees of the Washington apple commission;

(o) Officers and employees of the Washington state dairy products commission;

(p) Officers and employees of the Washington tree fruit research commission;

(q) Officers and employees of the Washington state beef commission;

(r) Officers and employees of the Washington grain commission;

(s) Officers and employees of any commission formed under chapter 15.66 RCW;

(t) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(u) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(v) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(w) Staff employed by the department of commerce to administer energy policy functions;

(x) The manager of the energy facility site evaluation council;

(y) A maximum of ten staff employed by the department of commerce to administer innovation and policy functions, including the three principal policy assistants exempted under (v) of this subsection;

(z) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5);

(aa) Officers and employees of the consolidated technology services agency created in RCW 43.105.006 that perform the following functions or duties: Systems integration; data center engineering and management; network systems engineering and management; information technology contracting; information technology customer relations management; and network and systems security;

(bb) The executive director of the Washington statewide reentry council; and

(cc) Officers and employees of the Washington state cannabis commission under chapter 15.-- RCW (the new chapter created in section 17 of this act).

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the director may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the office of financial management stating the reasons for requesting such exemptions. The director shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, or is a senior expert in enterprise information technology infrastructure, engineering, or systems, the director shall grant the request. The total number of

additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

(4) The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (t), (cc), and (2) of this section, shall be determined by the director. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

(5)(a) Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

(b) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

(c) A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

NEW SECTION. **Sec. 17.** Sections 1 through 14 of this act constitute a new chapter in Title 15 RCW."

Correct the title.

Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Morgan; Orwall and Reeves.

MINORITY recommendation: Do not pass. Signed by Representatives Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Walsh; and Waters.

Referred to Committee on Appropriations

March 28, 2023

E2SSB 5580

Prime Sponsor, Ways & Means: Improving maternal health outcomes. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 74.09 RCW to read as follows:

(1) By no later than January 1, 2025, the authority shall create a postdelivery and transitional care program that allows for extended postdelivery hospital care for people with a substance use disorder at the time of delivery. The authority shall:

(a) Allow for up to five additional days of hospitalization stay for the birth parent;

(b) Provide the birth parent access to integrated care and medical services including, but not limited to, access to clinical health, medication management, behavioral health, addiction medicine, specialty consultations, and psychiatric providers;

(c) Provide the birth parent access to social work support which includes coordination with the department of children, youth, and families to develop a plan for safe care;

(d) Allow dedicated time for health professionals to assist in facilitating early bonding between the birth parent and infant by helping the birth parent recognize and respond to their infant's cues; and

(e) Establish provider requirements and pay only those qualified providers for the services provided through the program.

(2) In administering the program, the authority shall seek any available federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.09 RCW to read as follows:

(1) Subject to the amounts appropriated for this specific purpose, the authority shall update the maternity support services program to address perinatal outcomes and increase equity and healthier birth outcomes. By January 1, 2025, the authority shall:

(a) Update current screening tools to be culturally relevant, include current risk factors, ensure the tools address health equity, and include questions identifying various social determinants of health that impact a healthy birth outcome and improve health equity;

(b) Ensure care coordination, including sharing screening tools with the patient's health care providers as necessary;

(c) Develop a mechanism to collect the results of the maternity support services screenings and evaluate the outcomes of the program. At minimum, the program evaluation shall:

(i) Identify gaps, strengths, and weaknesses of the program; and

(ii) Make recommendations for how the program may improve to better align with the authority's maternal and infant health initiatives; and

(d) Increase the allowable benefit and reimbursement rates with the goal of increasing utilization of services to all eligible maternity support services clients who choose to receive the services.

(2) The authority shall adopt rules to implement this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

By November 1, 2023, the income standards for a pregnant person eligible for Washington apple health pregnancy coverage shall have countable income equal to or below 210 percent of the federal poverty level.

**Sec. 4.** RCW 74.09.830 and 2021 c 90 s 2 are each amended to read as follows:

(1) The authority shall extend health care coverage from 60 days postpartum to one year postpartum for pregnant or postpartum persons who, on or after the expiration date of the federal public health emergency declaration related to COVID-19, are receiving postpartum coverage provided under this chapter.

(2) By June 1, 2022, the authority must:

(a) Provide health care coverage to postpartum persons who reside in Washington state, have countable income equal to or below 193 percent of the federal poverty level, and are not otherwise eligible under Title XIX or Title XXI of the federal social security act; and

(b) Ensure all persons approved for pregnancy or postpartum coverage at any time are continuously eligible for postpartum coverage for 12 months after the pregnancy ends regardless of whether they experience a change in income during the period of eligibility.

(3) By November 1, 2023, the income standards for a postpartum person eligible for Washington apple health pregnancy or postpartum coverage shall have countable income equal to or below 210 percent of the federal poverty level.

(4) Health care coverage under this section must be provided during the 12-month period beginning on the last day of the pregnancy.

~~((4))~~ (5) The authority shall not provide health care coverage under this section to individuals who are eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act. Health care coverage for these individuals shall be provided by a program that is funded by Title XIX or Title XXI of the federal social security act. Further, the authority shall make every effort to expedite and complete eligibility determinations for individuals who are presumptively eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act to ensure the state is receiving the maximum federal match. This includes, but is not limited to, working with the managed care organizations



to provide continuous outreach in various modalities until the individual's eligibility determination is completed. Beginning January 1, 2022, the authority must submit quarterly reports to the caseload forecast work group on the number of individuals who are presumptively eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act but are awaiting for the authority to complete eligibility determination, the number of individuals who were presumptively eligible but are now receiving health care coverage with the maximum federal match under Title XIX or Title XXI of the federal social security act, and outreach activities including the work with managed care organizations.

~~((5))~~ (6) To ensure continuity of care and maximize the efficiency of the program, the amount and scope of health care services provided to individuals under this section must be the same as that provided to pregnant and postpartum persons under medical assistance, as defined in RCW 74.09.520.

~~((6))~~ (7) In administering this program, the authority must seek any available federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available. This includes, but is not limited to, ensuring the state is receiving the maximum federal match for individuals who are presumptively eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act by expediting completion of the individual's eligibility determination.

~~((7))~~ (8) Working with stakeholder and community organizations and the Washington health benefit exchange, the authority must establish a comprehensive community education and outreach campaign to facilitate applications for and enrollment in the program or into a more appropriate program where the state receives maximum federal match. Subject to the availability of amounts appropriated for this specific purpose, the education and outreach campaign must provide culturally and linguistically accessible information to facilitate participation in the program, including but not limited to enrollment procedures, program services, and benefit utilization.

~~((8))~~ (9) Beginning January 1, 2022, the managed care organizations contracted with the authority to provide postpartum coverage must annually report to the legislature on their work to improve maternal health for enrollees, including but not limited to postpartum services offered to enrollees, the percentage of enrollees utilizing each postpartum service offered, outreach activities to engage enrollees in available postpartum services, and efforts to collect eligibility information for the authority to ensure the enrollee is in the most appropriate program for the state to receive the maximum federal match."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Appropriations

March 28, 2023

SSB 5586

Prime Sponsor, Labor & Commerce:  
Concerning employees' paid family or medical leave data. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 50A.25.040 and 2019 c 13 s 73 are each amended to read as follows:

(1) An individual shall have access to all records and information concerning that individual held by the department unless the information is exempt from disclosure under RCW 42.56.410.

(2) An employer shall have access to:

(a) Its own records relating to any claim or determination for family or medical leave benefits by an individual;

(b) Records and information relating to a decision to allow or deny benefits if the decision is based on material information provided by the employer; and

(c) Records and information related to that employer's premium assessment.

(3) (a) Any interested party may have access to the following records and information related to an employee's paid family or medical leave claim:

(i) Type of leave being taken;

(ii) Requested duration of leave including the approved dates of leave; and

(iii) Whether the employee was approved for benefits and was paid benefits for any given week.

(b) Any information provided under this subsection shall be considered accurate to the extent possible based on information available to the department at the time the request is processed.

(c) Any information provided under this subsection may only be used for the purpose of administering internal employer leave or benefit practices under established employer policies. The department may investigate unauthorized uses of records and information obtained under this subsection in accordance with RCW 50A.40.010.

(d) For the purposes of this subsection, "interested party" means a current employer, a current employer's third-party administrator, or an employee. "Interested party" may be specified further in rule by the department.

(4) The department may disclose records and information deemed confidential under this chapter to a third party acting on behalf of an individual or employer that would otherwise be eligible to receive records under subsection (1) or (2) of this section when the department receives a

signed release from the individual or employer. The release must include a statement:

(a) Specifically identifying the information that is to be disclosed;

(b) That state government files will be accessed to obtain that information;

(c) Of the specific purpose or purposes for which the information is sought and a statement that information obtained under the release will only be used for that purpose or purposes; and

(d) Indicating all the parties who may receive the information disclosed.

NEW SECTION. **Sec. 2.** This act takes effect January 1, 2024."

Correct the title.

Signed by Representatives Berry, Chair; Fosse, Vice Chair; Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Connors; Doglio; Ormsby and Ortiz-Self.

Referred to Committee on Rules for second reading

March 28, 2023

SSB 5589 Prime Sponsor, Law & Justice: Concerning probate. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representatives Walsh, Ranking Minority Member; Graham, Assistant Ranking Minority Member; Cheney; and Rude.

Referred to Committee on Rules for second reading

March 27, 2023

SSB 5626 Prime Sponsor, Early Learning & K-12 Education: Expanding and enhancing media literacy and digital citizenship in K-12 education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.300.840 and 2021 c 301 s 6 are each amended to read as follows:

(1)(a) The office of the superintendent of public instruction shall establish a ~~((grant program for the purposes of supporting))~~ media literacy and digital citizenship ~~((through school district leadership teams))~~ grant program. The office of the superintendent of public instruction shall establish and publish criteria for the grant program, and may accept gifts, grants, or endowments from public or private sources for the grant program.

(b)(i) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall award grants to school districts and educational service districts that submit a grant proposal to

implement one or more of the activities described in subsection (2) of this section.

(ii) A school district or educational service district may partner with a nonprofit organization for the purpose of assisting in the administration of a grant awarded under this section. For a school district or educational service district to partner with a nonprofit for the purpose of assisting in the administration of a grant under this section, the intent to partner with a nonprofit must be included in the grant proposal.

(c) A school district or educational service district that receives a grant under this section is not prohibited from receiving a grant in subsequent grant cycles.

(2) ((a) For a school district to qualify for a grant under this section, the grant proposal must provide that the grantee) Grants awarded under this section may be used for the following activities:

(a) To create a district leadership team that develops a curriculum unit on media literacy, synthetic media, or digital citizenship, or ~~((both))~~ a combination of these topics, that may be integrated into one ~~((of the following areas:~~

~~(i) Social studies;~~

~~(ii) English language arts; or~~

~~(iii) Health.~~

~~(b) School districts selected under the grant program are expected to evaluate the curriculum unit they develop under this subsection (2).~~

~~(c) In developing their curriculum unit, school districts selected under the grant program are) or more subject areas. The district leadership team is encouraged to work with school district teacher-librarians or a school district library information technology program, if applicable ((-~~

~~(3) The establishment of the grant program under this section is subject to the availability of amounts appropriated for this specific purpose.~~

~~(4) The curriculum unit developed under this section must be made available as an open educational resource.~~

~~(5)(a) Up to 10 grants a year awarded under this section must be for establishing)) ;~~

~~(b) To establish media literacy professional learning communities with ((the purpose of sharing best practices in the subject of media literacy.~~

~~(b)(i) Grant recipients under this subsection (5) are required to develop) an online presence ((for their community) to model new strategies and to share ideas, challenges, and successful practices ((-~~

~~(ii) Grant recipients shall)) ;~~

~~(c) To attend the group meetings ((created)) convened by the office of the superintendent of public instruction ((under~~

~~(e) of this subsection (5).~~

~~(c) The office of the superintendent of public instruction shall convene group meetings) for the purpose of sharing best practices and strategies in media literacy education ((-~~

~~(d) Additional activities permitted for the use of these grants include, but are not limited to:~~

~~(i) Organizing teachers from across a school district to develop new);~~

~~(d) To develop instructional strategies and to share successful strategies (~~

~~(ii) Sharing successful) and practices across a group of school districts or an educational service district; (and~~

~~(iii) Facilitating coordination)) (e) To provide professional development on issues of media literacy, including the state learning standards related to media literacy, which may include training for district leaders, administrative staff, instructional staff, or any combination thereof, and which may be coordinated between educational service districts and school districts ((to provide training.~~

~~(6) (a) At least one grant awarded in each award cycle must be for developing and using a curriculum that contains a focus on synthetic media as a major component.~~

~~(b)) ;~~

~~(f) To develop strategies to utilize existing funding in integrating media literacy into various subject areas;~~

~~(g) To support successful implementation of state learning standards related to media literacy, digital citizenship, or both;~~

~~(h) To acquire resources on media literacy instruction and integration.~~

~~(3) Any curriculum units, best practices and strategies, trainings, and other resources developed using grants awarded under this section must be submitted to the office of the superintendent of public instruction.~~

~~(4) For the purposes of this section, "synthetic media" means an image, an audio recording, or a video recording of an individual's appearance, speech, or conduct that has been intentionally manipulated with the use of digital technology in a manner to create a realistic but false image, audio, or video.~~

~~((7)) (5) This section expires July 31, ((2031)) 2033.~~

**Sec. 2.** RCW 28A.650.045 and 2017 c 90 s 2 are each amended to read as follows:

~~(1) ((4) By December 1, 2016, the office of the superintendent of public instruction shall develop best practices and recommendations for instruction in digital citizenship, internet safety, and media literacy, and report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, on strategies to implement the best practices and recommendations statewide. The best practices and recommendations must be developed in consultation with an advisory committee as specified in (b) of this subsection. Best practices and recommendations must include instruction that provides guidance about thoughtful, safe, and strategic uses of online and other media resources, and education on how to apply critical thinking skills when consuming and producing information.~~

~~(b) The office of the superintendent of public instruction must convene and consult with an advisory committee when developing best practices and recommendations for instruction in digital citizenship, internet safety, and media literacy. The advisory~~

~~committee must include: Representatives from the Washington state school directors' association; experts in digital citizenship, internet safety, and media literacy; teacher-librarians as defined in RCW 28A.320.240; and other stakeholders, including parent associations, educators, and administrators. Recommendations produced by the committee may include, but are not limited to:~~

~~(i) Revisions to the state learning standards for educational technology, required under RCW 28A.655.075;~~

~~(ii) Revisions to the model policy and procedures on electronic resources and internet safety developed by the Washington state school directors' association;~~

~~(iii) School district processes necessary to develop customized district policies and procedures on electronic resources and internet safety;~~

~~(iv) Best practices, resources, and models for instruction in digital citizenship, internet safety, and media literacy; and~~

~~(v) Strategies that will support school districts in local implementation of the best practices and recommendations developed by the office of the superintendent of public instruction under (a) of this subsection.~~

~~(2) Beginning in the 2017-18 school year, a) Each school district shall annually review its policy and procedures on electronic resources and internet safety. In reviewing and amending the policy and procedures, a school district must:~~

~~(a) Involve a representation of students, parents or guardians, teachers, teacher-librarians, other school employees, administrators, and community representatives with experience or expertise in digital citizenship, media literacy, and internet safety issues;~~

~~(b) Consider customizing the model policy and procedures on electronic resources and internet safety developed by the Washington state school directors' association;~~

~~(c) Consider existing school district resources; and~~

~~(d) Consider best practices, resources, and models for instruction in digital citizenship, internet safety, and media literacy, including methods to involve parents.~~

~~((3)) (2) (a) By December 1, 2017, the Washington state school directors' association shall review and revise its model policy and procedures on electronic resources and internet safety to better support digital citizenship, media literacy, and internet safety in schools. The model policy and procedures must contain provisions requiring that media literacy resources consist of a balance of sources and perspectives.~~

~~(b) By December 1, 2017, the Washington state school directors' association shall develop a checklist of items for school districts to consider when updating their policy and procedures under subsection ((2)) (1) of this section.~~

**Sec. 3.** RCW 28A.650.050 and 2017 c 90 s 4 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall create a web-based location with links to recommended successful practices and resources to support digital citizenship, media literacy, and internet safety ~~((for use in the 2017-18 school year. The web-based location must incorporate the information gathered by the survey in section 3, chapter 90, Laws of 2017))~~ or may house the recommended successful practices and resources in the open courseware depository identified under RCW 28A.300.803.

(2) ~~((Thereafter, the))~~ The office of the superintendent of public instruction shall ((continue to)) periodically identify and develop ((additional)) open educational resources to support digital citizenship, media literacy, and internet safety in schools for the web-based location created under subsection (1) of this section and may house the open educational resources in the open courseware depository identified under RCW 28A.300.803.

(3) The office of the superintendent of public instruction shall consider adding the curriculum units, best practices and strategies, trainings, and other resources developed using the media literacy and digital citizenship grants awarded under RCW 28A.300.840 to the web-based location created under subsection (1) of this section, the open courseware depository identified under RCW 28A.300.803, or both.

(4) Media literacy resources must consist of a balance of sources and perspectives.

**Sec. 4.** RCW 28A.655.070 and 2019 c 252 s 119 are each amended to read as follows:

(1) The superintendent of public instruction shall develop state learning standards that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the state learning standards, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the state learning standards; and

(b) Review and prioritize the state learning standards and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the statewide student assessment and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are

acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its website any grade level content expectations provided to an assessment vendor for use in constructing the statewide student assessment.

(3)(a) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the state learning standards identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(b) Effective with the 2009 administration of the Washington assessment of student learning and continuing with the statewide student assessment, the superintendent shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration and reducing the number of short answer and extended response questions.

(c) By the 2014-15 school year, the superintendent of public instruction, in consultation with the state board of education, shall modify the statewide student assessment system to transition to assessments developed with a multistate consortium, as provided in this subsection:

(i) The assessments developed with a multistate consortium to assess student proficiency in English language arts and mathematics shall be administered beginning in the 2014-15 school year, and beginning with the graduating class of 2020, the assessments must be administered to students in the tenth grade. The reading and writing assessments shall not be administered by the superintendent of public instruction or schools after the 2013-14 school year.

(ii) The high school assessments in English language arts and mathematics in (c) (i) of this subsection shall be used for the purposes of federal and state accountability and for assessing student career and college readiness.

(d) The statewide academic assessment system must also include the Washington access to instruction and measurement assessment for students with significant cognitive challenges.

(4) If the superintendent proposes any modification to the state learning standards or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the state learning standards before the modifications are adopted.

(5) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the state learning standards at the appropriate periods in the student's educational development.

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the state learning standards and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the state learning standards, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall review available and appropriate options for competency-based assessments that meet the state learning standards. In accordance with the review required by this subsection, the superintendent shall provide a report and recommendations to the education committees of the house of representatives and the senate by November 1, 2019.

(12) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(13) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(14) The superintendent shall post on the superintendent's website lists of resources and model assessments in social studies, the arts, and health and fitness.

(15) The superintendent shall integrate financial education skills and content knowledge into the state learning standards pursuant to RCW 28A.300.460(2)(d).

(16) The superintendent shall integrate media literacy into relevant state learning

standards as the state learning standards are revised, as required under subsection (2) of this section. For the purposes of this subsection, "media literacy" means the ability to:

(a) Access relevant and accurate information using a wide range of forms and sources;

(b) Critically analyze the comprehensiveness, relevance, credibility, authority, and accuracy of information content;

(c) Make informed decisions based on accurate information obtained from media and digital sources;

(d) Recognize the authenticity of artificially generated content derived from information and communication technologies;

(e) Responsibly operate various forms of technology and digital tools; and

(f) Reflect on how the use of media and technology may affect private and public life.

(17)(a) The superintendent shall notify the state board of education in writing before initiating the development or revision of the state learning standards under subsections (1) and (2) of this section. The notification must be provided to the state board of education in advance for review at a regularly scheduled or special board meeting and must include the following information:

(i) The subject matter of the state learning standards;

(ii) The reason or reasons the superintendent is initiating the development or revision; and

(iii) The process and timeline that the superintendent intends to follow for the development or revision.

(b) The state board of education may provide a response to the superintendent's notification for consideration in the development or revision process in (a) of this subsection.

(c) Prior to adoption by the superintendent of any new or revised state learning standards, the superintendent shall submit the proposed new or revised state learning standards to the state board of education in advance in writing for review at a regularly scheduled or special board meeting. The state board of education may provide a response to the superintendent's proposal for consideration prior to final adoption.

~~((17))~~ (18) The state board of education may propose new or revised state learning standards to the superintendent. The superintendent must respond to the state board of education's proposal in writing."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Appropriations

March 28, 2023

SJM 8006

Prime Sponsor, Senator Hasegawa: Requesting that the federal government create a universal health care program. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Graham; Harris; Maycumber; and Mosbrucker.

Referred to Committee on Rules for second reading

**SECOND SUPPLEMENTAL REPORT OF STANDING COMMITTEES**

March 29, 2023

SB 5000

Prime Sponsor, Senator Wagoner: Recognizing contributions of Americans of Chinese descent. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to designate a time of year to formally remember and recognize the contributions of Chinese Americans and finds that January of each year is a relevant and appropriate time for such recognition. The legislature finds that the California gold rush began on January 24, 1848, which brought thousands of people to the area, approximately 30 percent of whom were Chinese immigrants. With the immigration to the west as a result of the gold rush, Washington became home to many Chinese immigrants. Chinese immigrants contributed greatly to Washington's economy as miners and workers in the salmon canning industry. The Chinese population in Washington also grew when construction of the Northern Pacific Railroad transcontinental line began in 1871, which ran from Wisconsin and Minnesota to Washington and Oregon, as many laborers who were recruited to work on the railroad were Chinese.

The legislature also finds that designating January of each year as a time to recognize the contributions of Chinese Americans is relevant in acknowledging the contributions of notable early Chinese settlers. Goon Dip was well known as a visionary, philanthropist, and entrepreneur, and is said to be the most influential Chinese immigrant in the Pacific Coast during the early 20th century. Goon Dip created a garment industry in Portland, Oregon where he taught Chinese men who were disabled and unable to perform manual labor how to sew. Goon Dip later expanded his business ventures to Seattle when in January 1909, the Chinese government appointed him as honorary consul for the Alaska-Yukon-Pacific Exposition, Washington's first world's fair, held in Seattle. Anticipating

large crowds for the fair, Goon Dip built the Milwaukee Hotel at 662 King Street, which would house hundreds of tourists. Goon Dip was also influential in persuading Chinese businessmen to move Chinatown away from the Elliott Bay tidelands to the area around the new King Street Station at 2nd Avenue and Jackson Street. After his role as honorary consul during the Alaska-Yukon-Pacific Exposition, Goon Dip was named permanent consul and served under both the Manchu dynasty and the Kuomintang. Goon Dip died on September 12, 1933, at the Milwaukee Hotel and is buried in the family plot in Lake View cemetery in Seattle. January is also the birth month of notable contemporary Chinese Americans in the state, including Gary Locke, who graduated from Seattle's Franklin High School and was the first Chinese American elected as Governor in the continental United States, the first Chinese American Secretary of Commerce, and the first Chinese American ambassador to China.

The legislature finds that these and other contributions to the state's rich history and economy by Chinese Americans is worthy of recognition and celebration. The legislature further finds that teaching this history in schools will help to commemorate the important achievements of Chinese Americans.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.117 RCW to read as follows:

(1) With the rise of economic opportunity in America and other parts of the world in the 19th century, the Chinese diaspora is now one of the largest in the world. As a result, many of those who are, or whose ancestors were, part of the Chinese diaspora have varied perspectives, experiences, and approaches in how they preserve their identity as Chinese Americans and Americans of Chinese descent.

(2) January of each year will be designated as a time for people of this state to commemorate the contributions of Chinese Americans and Americans of Chinese descent to the history and heritage of Washington state and shall be designated as Chinese American/Americans of Chinese descent history month.

(3) Public schools are encouraged to designate time in January for appropriate activities in commemoration of the lives, history, achievements, and contributions of Chinese Americans and Americans of Chinese descent."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

March 28, 2023

ESB 5130

Prime Sponsor, Senator Frame: Concerning assisted outpatient treatment. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.05.148 and 2022 c 210 s 3 are each amended to read as follows:

(1) A person is in need of assisted outpatient treatment if the court finds by clear, cogent, and convincing evidence pursuant to a petition filed under this section that:

(a) The person has a behavioral health disorder;

(b) Based on a clinical determination and in view of the person's treatment history and current behavior, at least one of the following is true:

(i) The person is unlikely to survive safely in the community without supervision and the person's condition is substantially deteriorating; or

(ii) The person is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to the person or to others;

(c) The person has a history of lack of compliance with treatment for his or her behavioral health disorder that has:

(i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the person, or the person's receipt of services in a forensic or other mental health unit of a state correctional facility or local correctional facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the 36-month period;

(ii) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the person's incarceration in a state or local correctional facility; or

(iii) Resulted in one or more violent acts, threats, or attempts to cause serious physical harm to the person or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred during the 48-month period;

(d) Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the person's recovery and stability; and

(e) The person will benefit from assisted outpatient treatment.

(2) The following individuals may directly file a petition for less restrictive alternative treatment on the basis that a person is in need of assisted outpatient treatment:

(a) The director of a hospital where the person is hospitalized or the director's designee;

(b) The director of a behavioral health service provider providing behavioral health care or residential services to the person or the director's designee;

(c) The person's treating mental health professional or substance use disorder professional or one who has evaluated the person;

(d) A designated crisis responder;

(e) A release planner from a corrections facility; or

(f) An emergency room physician.

(3) A court order for less restrictive alternative treatment on the basis that the person is in need of assisted outpatient treatment may be effective for up to 18 months, unless the person is currently detained for inpatient treatment for 14 days or more under RCW 71.05.240 or 71.05.320, in which case the order may be effective for 90 days if the person is currently detained for 14 days of treatment, or 180 days if the person is currently detained for 90 or 180 days of treatment. The petitioner must personally interview the person, unless the person refuses an interview, to determine whether the person will voluntarily receive appropriate treatment.

(4) The petitioner must allege specific facts based on personal observation, evaluation, or investigation, and must consider the reliability or credibility of any person providing information material to the petition.

(5) The petition must include:

(a) A statement of the circumstances under which the person's condition was made known and the basis for the opinion, from personal observation or investigation, that the person is in need of assisted outpatient treatment. The petitioner must state which specific facts come from personal observation and specify what other sources of information the petitioner has relied upon to form this belief;

(b) A declaration from a physician, physician assistant, advanced registered nurse practitioner, ~~((or))~~ the person's treating mental health professional or substance use disorder professional, or in the case of a person enrolled in treatment in a behavioral health agency, the person's behavioral health case manager, who has examined the person no more than 10 days prior to the submission of the petition and who is willing to testify in support of the petition, or who alternatively has made appropriate attempts to examine the person within the same period but has not been successful in obtaining the person's cooperation, and who is willing to testify to the reasons they believe that the person meets the criteria for assisted outpatient treatment ~~((If the declaration is provided by the person's treating mental health professional or substance use disorder professional, it must be cosigned by a supervising physician, physician assistant, or advanced registered nurse practitioner who certifies that they have reviewed the declaration))~~);

(c) The declarations of additional witnesses, if any, supporting the petition for assisted outpatient treatment;

(d) The name of an agency, provider, or facility that agrees to provide less restrictive alternative treatment if the petition is granted by the court; and

(e) If the person is detained in a state hospital, inpatient treatment facility, jail, or correctional facility at the time the petition is filed, the anticipated release date of the person and any other details needed to facilitate successful reentry and transition into the community.

(6)(a) Upon receipt of a petition meeting all requirements of this section, the court shall fix a date for a hearing:

(i) No sooner than three days or later than seven days after the date of service or as stipulated by the parties or, upon a showing of good cause, no later than 30 days after the date of service; or

(ii) If the respondent is hospitalized at the time of filing of the petition, before discharge of the respondent and in sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

(b) A copy of the petition and notice of hearing shall be served, in the same manner as a summons, on the petitioner, the respondent, the qualified professional whose affidavit accompanied the petition, a current provider, if any, and a surrogate decision maker or agent under chapter 71.32 RCW, if any.

(c) If the respondent has a surrogate decision maker or agent under chapter 71.32 RCW who wishes to provide testimony at the hearing, the court shall afford the surrogate decision maker or agent an opportunity to testify.

(d) The respondent shall be represented by counsel at all stages of the proceedings.

(e) If the respondent fails to appear at the hearing after notice, the court may conduct the hearing in the respondent's absence; provided that the respondent's counsel is present.

(f) If the respondent has refused to be examined by the qualified professional whose affidavit accompanied the petition, the court may order a mental examination of the respondent. The examination of the respondent may be performed by the qualified professional whose affidavit accompanied the petition. If the examination is performed by another qualified professional, the examining qualified professional shall be authorized to consult with the qualified professional whose affidavit accompanied the petition.

(g) If the respondent has refused to be examined by a qualified professional and the court finds reasonable grounds to believe that the allegations of the petition are true, the court may issue a written order directing a peace officer who has completed crisis intervention training to detain and transport the respondent to a provider for examination by a qualified professional. A respondent detained pursuant to this subsection shall be detained no longer than necessary to complete the examination and in no event longer than 24 hours.

(7) If the petition involves a person whom the petitioner or behavioral health administrative services organization knows, or has reason to know, is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the behavioral health administrative services organization shall notify 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.

(8) A petition for assisted outpatient treatment filed under this section shall be adjudicated under RCW 71.05.240.

(9) ~~((After January 1, 2023, a))~~ A petition for assisted outpatient treatment must be filed on forms developed by the administrative office of the courts.

**Sec. 2.** RCW 71.05.365 and 2022 c 210 s 19 are each amended to read as follows:

When a person has been involuntarily committed for treatment to a hospital for a period of 90 or 180 days, and the superintendent or professional person in charge of the hospital determines that the person no longer requires active psychiatric treatment at an inpatient level of care, the behavioral health administrative services organization, managed care organization, or agency providing oversight of long-term care or developmental disability services that is responsible for resource management services for the person must work with the hospital to develop an individualized discharge plan ~~((, including whether a petition should be filed for less restrictive alternative treatment on the basis that the person is in need of assisted outpatient treatment,))~~ and arrange for a transition to the community in accordance with the person's individualized discharge plan within 14 days of the determination.

**Sec. 3.** RCW 71.05.590 and 2022 c 210 s 23 are each amended to read as follows:

(1) ~~((Either an))~~ An agency or facility designated to monitor or provide less restrictive alternative treatment services under a ~~((less restrictive alternative))~~ court order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke ~~((a))~~ the less restrictive alternative treatment order or conditional release ~~((order. The))~~ if the agency, facility, or designated crisis responder ~~((must determine))~~ determines that:

(a) The person is failing to adhere to the terms and conditions of the order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to



the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the entity requesting the hearing and issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To detain the person for up to 12 hours for evaluation at an agency, facility providing services under the court order, triage facility, crisis stabilization unit, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility with adequate space, or an approved substance use disorder treatment program with available space. The purpose of the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when, based on clinical judgment, temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient

treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or upon request of the facility or agency designated to provide outpatient care, cause a person to be detained in an evaluation and treatment facility, available secure withdrawal management and stabilization facility with adequate space, or available approved substance use disorder treatment program with adequate space in or near the county in which he or she is receiving outpatient treatment for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may withdraw its petition for revocation at any time before the court hearing.

(c) A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the order or conditional release; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm;

and, if any of the above conditions apply, whether it is appropriate for the court to reinstate or modify the person's less restrictive alternative treatment order or conditional release (~~(order)~~) or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order or conditional release (~~(order)~~) was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. The person must return to less restrictive alternative treatment under the order at the end of the 14-day period unless a petition for further treatment is filed under RCW 71.05.320 or the person accepts voluntary treatment. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release (~~(order)~~) was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the order must be converted to days of inpatient treatment. A court may not detain a person for inpatient treatment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a facility or program available with adequate space for the person.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 4.** RCW 71.05.590 and 2022 c 210 s 24 are each amended to read as follows:

(1) (~~Either an~~) An agency or facility designated to monitor or provide less restrictive alternative treatment services under a (~~less restrictive alternative~~) court order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke ((a)) the less restrictive alternative treatment order or conditional release (~~(order. The)~~) if the agency, facility, or designated crisis responder (~~must determine~~) determines that:

(a) The person is failing to adhere to the terms and conditions of the order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public

in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist (~~(the)~~) the entity requesting the hearing and issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To detain the person for up to 12 hours for evaluation at an agency, facility providing services under the court order, triage facility, crisis stabilization unit, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program. The purpose of the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when, based on clinical judgment, temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take

actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or upon request of the facility or agency designated to provide outpatient care, cause a person to be detained in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in or near the county in which he or she is receiving outpatient treatment for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release ((~~order~~)) under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release ((~~order~~)) may be scheduled without detention of the person.

(b) A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may withdraw its petition for revocation at any time before the court hearing.

(c) A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the order or conditional release; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court to reinstate or modify the person's less

restrictive alternative treatment order or conditional release ((~~order~~)) or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order or conditional release ((~~order~~)) was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. The person must return to less restrictive alternative treatment under the order at the end of the 14-day period unless a petition for further treatment is filed under RCW 71.05.320 or the person accepts voluntary treatment. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release ((~~order~~)) was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the order must be converted to days of inpatient treatment.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 5.** RCW 71.34.020 and 2021 c 264 s 26 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(7) "Authority" means the Washington state health care authority.

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant

working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31) (a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19) (a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor as a program of individualized treatment in a less restrictive setting than inpatient treatment (~~that~~). This term includes the services described in RCW 71.34.755, including residential treatment, and treatment pursuant to an assisted outpatient treatment order under RCW 71.34.815.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm

will be inflicted by a minor upon another individual, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46) (a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a

declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other

person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(61) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(62) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(63) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(64) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

(65) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction

over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(66) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(67) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.

(68) "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

(69) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

(70) "In need of assisted outpatient treatment" refers to a minor who meets the criteria for assisted outpatient treatment established under RCW 71.34.815.

**Sec. 6.** RCW 71.34.020 and 2021 c 264 s 28 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or

discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(7) "Authority" means the Washington state health care authority.

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals

experiencing an acute crisis without the use of long-term hospitalization.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational

functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31) (a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(19)(a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.



(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor as a program of individualized treatment in a less restrictive setting than inpatient treatment (~~that~~). This term includes the services described in RCW 71.34.755, including residential treatment, and treatment pursuant to an assisted outpatient treatment order under RCW 71.34.815.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a minor upon another individual, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under

chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior.

(61) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(62) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program

offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(63) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(64) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(65) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

(66) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(67) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(68) "Triage facility" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility.

(69) "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

(70) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

(71) "In need of assisted outpatient treatment" refers to a minor who meets the criteria for assisted outpatient treatment established under RCW 71.34.815.

**Sec. 7.** RCW 71.34.740 and 2020 c 302 s 92 are each amended to read as follows:

(1) A ~~((commitment))~~ hearing shall be held within ~~((one hundred twenty))~~ 120 hours of the minor's admission, excluding Saturday, Sunday, and holidays, or if the hearing is held on a petition filed under RCW 71.34.815, the hearing shall be held at a time scheduled under that section, unless a continuance is ordered under RCW 71.34.735.

(2) The ~~((commitment))~~ hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the ~~((commitment))~~ hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the ~~((commitment))~~ hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the ~~((commitment))~~ hearing, the minor shall have the following rights:

(a) To be represented by an attorney;

(b) To present evidence on his or her own behalf;

(c) To question persons testifying in support of the petition.

(7) If the ~~((hearing))~~ petition is ~~((for commitment))~~ for mental health treatment, the court at the time of the ~~((commitment))~~ hearing and before an order ~~((of commitment))~~ making findings is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently ~~((detained for))~~ ordered to receive involuntary treatment under this section.

(8) If the minor has received medication within ~~((twenty-four))~~ 24 hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

(9) For a ~~((fourteen-day))~~ 14-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a behavioral health disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative

treatment found to be in the best interests of the minor or others;

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment; and

(d) If commitment is for a substance use disorder, there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program with adequate space for the minor.

(10) ~~(a)~~ If the court finds that the minor meets the criteria for a ~~((fourteen-day))~~ 14-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a ~~((fourteen-day))~~ 14-day commitment, the minor shall be released.

(b) If the court finds by clear, cogent, and convincing evidence that the minor is in need of assisted outpatient treatment pursuant to a petition filed under RCW 71.34.815, the court shall order an appropriate less restrictive course of treatment for up to 18 months.

(11) (a) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

(b) Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

(12) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for ~~((one hundred eighty-day))~~ 180-day commitment is pending before the court.

**Sec. 8.** RCW 71.34.740 and 2020 c 302 s 93 are each amended to read as follows:

(1) A ~~((commitment))~~ hearing shall be held within ~~((one hundred twenty))~~ 120 hours of the minor's admission, excluding Saturday, Sunday, and holidays, or if the hearing is held on a petition filed under RCW 71.34.815, the hearing shall be held at a time scheduled under that section, unless a continuance is ordered under RCW 71.34.735.

(2) The ~~((commitment))~~ hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the ~~((commitment))~~ hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the ~~((commitment))~~ hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the ~~((commitment))~~ hearing, the minor shall have the following rights:

(a) To be represented by an attorney;  
 (b) To present evidence on his or her own behalf;  
 (c) To question persons testifying in support of the petition.

(7) If the ~~((hearing))~~ petition is for ~~((commitment for))~~ mental health treatment, the court at the time of the ~~((commitment))~~ hearing and before an order ~~((of commitment))~~ making findings is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently ~~((detained for))~~ ordered to receive involuntary treatment under this section.

(8) If the minor has received medication within ~~((twenty-four))~~ 24 hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

(9) For a ~~((fourteen-day))~~ 14-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a behavioral health disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor or others; and

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment.

(10) (a) If the court finds that the minor meets the criteria for a ~~((fourteen-day))~~ 14-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a ~~((fourteen-day))~~ 14-day commitment, the minor shall be released.

(b) If the court finds by clear, cogent, and convincing evidence that the minor is in need of assisted outpatient treatment pursuant to a petition filed under RCW 71.34.815, the court shall order an appropriate less restrictive course of treatment for up to 18 months.

(11) (a) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

(b) Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

(12) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for ~~((one hundred eighty-day))~~ 180-day commitment is pending before the court.

**Sec. 9.** RCW 71.34.780 and 2020 c 302 s 97 are each amended to read as follows:

(1) An agency or facility designated to monitor or provide less restrictive alternative treatment services to a minor under a court order or conditional release may take a range of actions to enforce the terms of the order or conditional release in the event the minor is not adhering to the terms or is experiencing substantial deterioration, decompensation, or a likelihood of serious harm. Such actions may include:

(a) Counseling the minor and offering incentives for compliance;

(b) Increasing the intensity of services;  
(c) Petitioning the court to review the minor's compliance and optionally modify the terms of the order or conditional release while the minor remains in outpatient treatment;

(d) To request assistance from a peace officer for temporarily detaining the minor for up to 12 hours for evaluation at a crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, facility providing services under a court order, or emergency department to determine if revocation or enforcement proceedings under this section are necessary and appropriate to stabilize the minor, if there has been a pattern of noncompliance or failure of reasonable attempts at outreach and engagement; or

(e) Initiation of revocation proceedings under subsection (2) of this section.

(2) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the director or secretary, as appropriate, determines that a minor is failing to adhere to the conditions of ~~((the))~~ a court order for less restrictive alternative treatment or the conditions ~~((for the))~~ of a conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the director or secretary, as appropriate, may order that the minor be taken into custody and transported to an inpatient evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program. A secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the minor must be available.

~~((2))~~ (3) (a) The designated crisis responder, director, or secretary, as appropriate, shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the director or secretary, as appropriate, may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(b) If the minor is involuntarily detained for revocation at an evaluation and treatment facility, secure withdrawal

management and stabilization facility, or approved substance use disorder treatment program in a different county from where the minor was initially detained, the facility or program may file the order of apprehension, serve it on the minor and notify the minor's parents and the minor's attorney at the request of the designated crisis responder.

~~((3))~~(4) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the director, secretary, or facility, as appropriate, with the court in the county where the minor is detained. The court shall conduct the hearing in that county. A petition for revocation of conditional release must be filed in the county where the minor is detained. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or, subject to subsection ~~((4))~~(5) of this section, whether the ~~(minor)~~ court should ~~(be returned to)~~ order the minor's detention for inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be ~~(returned to)~~ detained for inpatient treatment. If the minor is ~~(returned to)~~ detained for inpatient treatment, RCW 71.34.760 regarding the director's placement responsibility shall apply. The hearing may be waived by the minor and the minor ~~(returned to)~~ detained for inpatient treatment or returned to less restrictive alternative treatment or conditional release on the same or modified conditions. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order was based on a petition under RCW 71.34.740 or 71.34.815. The minor must return to less restrictive alternative treatment under the order at the end of the 14-day period unless a petition for further treatment is filed under RCW 71.34.750 or the minor accepts voluntary treatment. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release was based on a petition under RCW 71.34.750, the number of days remaining on the less restrictive alternative treatment order or conditional release must be converted to days of inpatient treatment.

~~((4))~~(5) A court may not order the ~~(return)~~ placement of a minor to inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is a secure withdrawal

management and stabilization facility or approved substance use disorder treatment program available with adequate space for the minor.

**Sec. 10.** RCW 71.34.780 and 2020 c 302 s 98 are each amended to read as follows:

(1) An agency or facility designated to monitor or provide less restrictive alternative treatment services to a minor under a court order or conditional release may take a range of actions to enforce the terms of the order or conditional release in the event the minor is not adhering to the terms or is experiencing substantial deterioration, decompensation, or a likelihood of serious harm. Such actions may include:

(a) Counseling the minor and offering incentives for compliance;

(b) Increasing the intensity of services;

(c) Petitioning the court to review the minor's compliance and optionally modify the terms of the order or conditional release while the minor remains in outpatient treatment;

(d) To request assistance from a peace officer for temporarily detaining the minor for up to 12 hours for evaluation at a crisis stabilization unit, evaluation and treatment facility, secure withdrawal management and stabilization facility, facility providing services under a court order, or emergency department to determine if revocation or enforcement proceedings under this section are necessary and appropriate to stabilize the minor, if there has been a pattern of noncompliance or failure of reasonable attempts at outreach and engagement; or

(e) Initiation of revocation proceedings under subsection (2) of this section.

(2) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the director or secretary, as appropriate, determines that a minor is failing to adhere to the conditions of ~~(the)~~ a court order for less restrictive alternative treatment or the conditions ~~(for the)~~ of conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the director or secretary, as appropriate, may order that the minor be taken into custody and transported to an inpatient evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program.

~~((2))~~(3)(a) The designated crisis responder, director, or secretary, as appropriate, shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the director or secretary, as appropriate, may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(b) If the minor is involuntarily detained for revocation at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the minor was initially detained, the facility or program may file the order of apprehension, serve it on the minor and notify the minor's parents and the minor's attorney at the request of the designated crisis responder.

~~((3))~~(4) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the director, secretary, or facility, as appropriate, with the court in the county where the minor is detained. The court shall conduct the hearing in that county. A petition for revocation of conditional release must be filed in the county where the minor is detained. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or whether the ~~(minor)~~court should ~~((be returned to))~~order the minor's detention for inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be ~~((returned to))~~detained for inpatient treatment. If the minor is ~~((returned to))~~detained for inpatient treatment, RCW 71.34.760 regarding the director's placement responsibility shall apply. The hearing may be waived by the minor and the minor ~~((returned to))~~detained for inpatient treatment or returned to less restrictive alternative treatment or conditional release on the same or modified conditions. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order was based on a petition under RCW 71.34.740 or 71.34.815. The minor must return to less restrictive alternative treatment under the order at the end of the 14-day period unless a petition for further treatment is filed under RCW 71.34.750 or the minor accepts voluntary treatment. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release was based on a petition under RCW 71.34.750, the number of days remaining on the less restrictive alternative treatment order or conditional release must be converted to days of inpatient treatment.

**Sec. 11.** RCW 71.34.815 and 2022 c 210 s 4 are each amended to read as follows:

(1) An adolescent is in need of assisted outpatient treatment if the court finds by clear, cogent, and convincing evidence in response to a petition filed under this section that:

(a) The adolescent has a behavioral health disorder;

(b) Based on a clinical determination and in view of the adolescent's treatment history and current behavior, at least one of the following is true:

(i) The adolescent is unlikely to survive safely in the community without supervision and the adolescent's condition is substantially deteriorating; or

(ii) The adolescent is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to the adolescent or to others;

(c) The adolescent has a history of lack of compliance with treatment for his or her behavioral health disorder that has:

(i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the adolescent, or the adolescent's receipt of services in a forensic or other mental health unit of a state ~~((correctional))~~juvenile rehabilitation facility or local ~~((correctional))~~juvenile detention facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the adolescent that occurred within the 36-month period;

(ii) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the adolescent's incarceration in a state or local correctional facility; or

(iii) Resulted in one or more violent acts, threats, or attempts to cause serious physical harm to the adolescent or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred during the 48-month period;

(d) Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the adolescent's recovery and stability; and

(e) The adolescent will benefit from assisted outpatient treatment.

(2) The following individuals may directly file a petition for less restrictive alternative treatment on the basis that an adolescent is in need of assisted outpatient treatment:

(a) The director of a hospital where the adolescent is hospitalized or the director's designee;

(b) The director of a behavioral health service provider providing behavioral health

care or residential services to the adolescent or the director's designee;

(c) The adolescent's treating mental health professional or substance use disorder professional or one who has evaluated the person;

(d) A designated crisis responder;

(e) A release planner from a juvenile detention or rehabilitation facility; or

(f) An emergency room physician.

(3) A court order for less restrictive alternative treatment on the basis that the adolescent is in need of assisted outpatient treatment may be effective for up to 18 months, unless the adolescent is currently detained for inpatient treatment for 14 days or more under RCW 71.34.740 or 71.34.750, in which case the order may be effective for 180 days. The petitioner must personally interview the adolescent, unless the adolescent refuses an interview, to determine whether the adolescent will voluntarily receive appropriate treatment.

(4) The petitioner must allege specific facts based on personal observation, evaluation, or investigation, and must consider the reliability or credibility of any person providing information material to the petition.

(5) The petition must include:

(a) A statement of the circumstances under which the adolescent's condition was made known and the basis for the opinion, from personal observation or investigation, that the adolescent is in need of assisted outpatient treatment. The petitioner must state which specific facts come from personal observation and specify what other sources of information the petitioner has relied upon to form this belief;

(b) A declaration from a physician, physician assistant, or advanced registered nurse practitioner, ~~((or))~~ the adolescent's treating mental health professional or substance use disorder professional, or in the case of a person enrolled in treatment in a behavioral health agency, the person's behavioral health case manager, who has examined the adolescent no more than 10 days prior to the submission of the petition and who is willing to testify in support of the petition, or who alternatively has made appropriate attempts to examine the adolescent within the same period but has not been successful in obtaining the adolescent's cooperation, and who is willing to testify to the reasons they believe that the adolescent meets the criteria for assisted outpatient treatment ~~((. If the declaration is provided by the adolescent's treating mental health professional or substance use disorder professional, it must be cosigned by a supervising physician, physician assistant, or advanced registered nurse practitioner who certifies that they have reviewed the declaration))~~;

(c) The declarations of additional witnesses, if any, supporting the petition for assisted outpatient treatment;

(d) The name of an agency, provider, or facility that agrees to provide less restrictive alternative treatment if the petition is granted by the court; and

(e) If the adolescent is detained in a state hospital, inpatient treatment facility, or juvenile detention or

rehabilitation facility at the time the petition is filed, the anticipated release date of the adolescent and any other details needed to facilitate successful reentry and transition into the community.

(6) (a) Upon receipt of a petition meeting all requirements of this section, the court shall fix a date for a hearing:

(i) No sooner than three days or later than seven days after the date of service or as stipulated by the parties or, upon a showing of good cause, no later than 30 days after the date of service; or

(ii) If the adolescent is hospitalized at the time of filing of the petition, before discharge of the adolescent and in sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

(b) A copy of the petition and notice of hearing shall be served, in the same manner as a summons, on the petitioner, the adolescent, the qualified professional whose affidavit accompanied the petition, a current provider, if any, and a surrogate decision maker or agent under chapter 71.32 RCW, if any.

(c) If the adolescent has a surrogate decision maker or agent under chapter 71.32 RCW who wishes to provide testimony at the hearing, the court shall afford the surrogate decision maker or agent an opportunity to testify.

(d) The adolescent shall be represented by counsel at all stages of the proceedings.

(e) If the adolescent fails to appear at the hearing after notice, the court may conduct the hearing in the adolescent's absence; provided that the adolescent's counsel is present.

(f) If the adolescent has refused to be examined by the qualified professional whose affidavit accompanied the petition, the court may order a mental examination of the adolescent. The examination of the adolescent may be performed by the qualified professional whose affidavit accompanied the petition. If the examination is performed by another qualified professional, the examining qualified professional shall be authorized to consult with the qualified professional whose affidavit accompanied the petition.

(g) If the adolescent has refused to be examined by a qualified professional and the court finds reasonable grounds to believe that the allegations of the petition are true, the court may issue a written order directing a peace officer who has completed crisis intervention training to detain and transport the adolescent to a provider for examination by a qualified professional. An adolescent detained pursuant to this subsection shall be detained no longer than necessary to complete the examination and in no event longer than 24 hours. All papers in the court file must be provided to the adolescent's designated attorney.

(7) If the petition involves an adolescent whom the petitioner or behavioral health administrative services organization knows, or has reason to know, is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the behavioral health administrative services organization shall

notify 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.

(8) A petition for assisted outpatient treatment filed under this section shall be adjudicated under RCW 71.34.740.

(9) ~~((After January 1, 2023, a))~~ A petition for assisted outpatient treatment must be filed on forms developed by the administrative office of the courts.

**NEW SECTION. Sec. 12.** Sections 3, 7, and 9 of this act expire July 1, 2026.

**NEW SECTION. Sec. 13.** Sections 4, 8, and 10 of this act take effect July 1, 2026.

**Sec. 14.** 2021 c 264 s 29 (uncodified) is amended to read as follows:

(1) Sections 64 and 81, chapter 302, Laws of 2020 ~~((and, until July 1, 2022, section 27, chapter 264, Laws of 2021 and, beginning July 1, 2022)),~~ section 28, chapter 264, Laws of 2021, and section 6, chapter . . . , Laws of 2023 (section 6 of this act) take effect when the average wait time for children's long-term inpatient placement admission is 30 days or less for two consecutive quarters.

(2) The health care authority must provide written notice of the effective date of sections 64 and 81, chapter 302, Laws of 2020 ~~((and))~~, section((s—27—and)) 28, chapter 264, Laws of 2021, and section 6, chapter . . . , Laws of 2023 (section 6 of this act) to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the authority."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Graham, Assistant Ranking Minority Member; Cheney; Entenman; Goodman; Peterson; Rude; Thai and Walen.

MINORITY recommendation: Without recommendation.  
Signed by Representative Walsh, Ranking Minority Member.

Referred to Committee on Appropriations

March 29, 2023

**ESSB 5152** Prime Sponsor, State Government & Elections: Defining synthetic media in campaigns for elective office, and providing relief for candidates and campaigns. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions used in chapter 42.17A RCW apply throughout this chapter unless the context clearly requires otherwise.

**NEW SECTION. Sec. 2.** (1) For purposes of this section "synthetic media" means an image, an audio recording, or a video recording of an individual's appearance, speech, or conduct that has been intentionally manipulated with the use of generative adversarial network techniques or other digital technology in a manner to create a realistic but false image, audio, or video that produces:

(a) A depiction that to a reasonable individual is of a real individual in appearance, action, or speech that did not actually occur in reality; and

(b) A fundamentally different understanding or impression of the appearance, action, or speech than a reasonable person would have from the unaltered, original version of the image, audio recording, or video recording.

(2) A candidate whose appearance, action, or speech is altered through the use of a synthetic media in an electioneering communication may seek injunctive or other equitable relief prohibiting the publication of such synthetic media.

(3) A candidate whose appearance, action, or speech is altered through the use of a synthetic media in an electioneering communication may bring an action for general or special damages against the sponsor. The court may also award a prevailing party reasonable attorneys' fees and costs. This subsection does not limit or preclude a plaintiff from securing or recovering any other available remedy.

(4) It is an affirmative defense for any action brought under this section that the electioneering communication containing a synthetic media includes a disclosure stating, "This (image/video/audio) has been manipulated," in the following manner:

(a) For visual media, the text of the disclosure must appear in size easily readable by the average viewer and no smaller than the largest font size of other text appearing in the visual media. If the visual media does not include any other text, the disclosure must appear in a size that is easily readable by the average viewer. For visual media that is a video, the disclosure must appear for the duration of the video; or

(b) If the media consists of audio only, the disclosure must be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than two minutes in length, interspersed within the audio at intervals of not more than two minutes each.

(5) In any action commenced under this section, the plaintiff bears the burden of establishing the use of synthetic media by clear and convincing evidence.

(6) An action under this section takes precedence over other cases, and must be speedily heard and determined.

**NEW SECTION. Sec. 3.** (1) For an action brought under section 2 of this act, the sponsor of the electioneering communication may be held liable, and not the medium disseminating the electioneering



communication except as provided in subsection (2) of this section.

(2) Except when a licensee, programmer, or operator of a federally licensed broadcasting station transmits an electioneering communication that is subject to 47 U.S.C. Sec. 315, a medium may be held liable in a cause of action brought under section 2 of this act if:

(a) The medium removes any disclosure described in section 2(4) of this act from the electioneering communication it disseminates; or

(b) Subject to affirmative defenses described in section 2 of this act, the medium changes the content of an electioneering communication such that it qualifies as synthetic media, as defined in section 2 of this act.

(3)(a) No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider. However, an interactive computer service may be held liable in accordance with subsection (2) of this section.

(b) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

(c) "Information content provider" means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the internet or any other interactive computer service.

NEW SECTION. **Sec. 4.** The public disclosure commission must adopt rules in furtherance of the purpose of this chapter. Nothing in this chapter constitutes a violation under chapter 42.17A RCW, or otherwise authorizes the public disclosure commission to take action under RCW 42.17A.755.

NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act constitute a new chapter in Title 42 RCW.

NEW SECTION. **Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Low.

Referred to Committee on Rules for second reading

March 28, 2023

SB 5153

Prime Sponsor, Senator Valdez: Concerning uniform disclosure of records related to future voters and making conforming amendments related to participation of future voters in state primaries. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.08 RCW to read as follows:

Information that is otherwise disclosable under this chapter cannot be disclosed for a future voter until the person reaches 18 years of age, or until the person is eligible to participate in the next presidential primary, primary, or election. This information is exempt from public inspection and copying under chapter 42.56 RCW. Information may be disclosed for the purpose of processing and delivering ballots.

**Sec. 2.** RCW 29A.04.070 and 2018 c 109 s 2 are each amended to read as follows:

"Future voter" means a United States citizen and Washington state resident, age sixteen or seventeen, who (~~wishes to provide~~)has provided information related to voter registration to the appropriate state agencies.

**Sec. 3.** RCW 29A.08.170 and 2020 c 208 s 15 are each amended to read as follows:

(1) A person may sign up to register to vote if he or she is sixteen or seventeen years of age, as part of the future voter program.

(2) A person who signs up to register to vote may not vote until reaching eighteen years of age unless the person is seventeen years of age at the primary election or presidential primary election and will be eighteen years of age by the general election.

(3) A person who signs up to register to vote may not be added to the statewide voter registration (~~database~~) list of voters until such time as he or she will be eligible to vote in the next election.

**Sec. 4.** RCW 29A.08.174 and 2020 c 208 s 17 are each amended to read as follows:

(1) A person who has attained sixteen years of age and has a valid Washington state driver's license or identocard may sign up to register to vote as part of the future voter program, by submitting a voter registration application electronically on the secretary of state(~~LS~~) website.

(2) The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true.

(3) If signing up to register electronically, the applicant must affirmatively assent to the use of his or her driver's license or identicard signature for voter registration purposes.

(4) The applicant must affirmatively acknowledge that he or she will not vote in a special or general election until his or her eighteenth birthday, and will only vote in a primary election or presidential primary election if he or she will be eighteen years of age by the general election.

(5) For each electronic registration application, the secretary of state must obtain a digital copy of the applicant's driver's license or identicard signature from the department of licensing.

(6) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter preregistration applications submitted electronically.

**Sec. 5.** RCW 29A.08.330 and 2020 c 208 s 5 are each amended to read as follows:

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to indicate that he or she declines to register at this time, or the agency may use a separate form approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client whenever he or she applies for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.

(3) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the service agent shall ask the following:

(a) "Are you a United States citizen?"

(b) "Are you at least sixteen years old?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to sign up to vote, register to vote, or update a voter registration. If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration application.

(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods

to capture simultaneously the information required for voter registration during a person's computerized application process.

(5) Each designated agency shall transmit the applications to the secretary of state or appropriate county auditor within three business days and must be received by the election official by the required voter registration deadline.

~~(6) ((Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.))~~ Disclosure of information on individuals under the age of 18 is subject to section 1 of this act.

**Sec. 6.** RCW 29A.08.615 and 2018 c 109 s 9 are each amended to read as follows:

(1) Registered voters are divided into two categories, "active" and "inactive." All registered voters are classified as active, unless assigned to inactive status by the county auditor.

(2) Persons signing up to register to vote as future voters as defined under RCW 29A.04.070 are classified as "pending" until the person will be at least eighteen years of age by the next election, or eligible to participate in the next presidential primary or primary under RCW 29A.08.110 or 29A.08.170.

**Sec. 7.** RCW 29A.08.710 and 2018 c 109 s 10 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records and voter registration sign up records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2) (a) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060 and (b) of this subsection: The voter's name, address, political jurisdiction, gender, date of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.

~~(b) ((The personally identifiable information of individuals who are under the age of eighteen are exempt from public inspection and copying until the subject of the record is eighteen years of age, except for the purpose of processing and delivering ballots.))~~ Disclosure of information on individuals under the age of 18 is subject to section 1 of this act.

**Sec. 8.** RCW 29A.08.720 and 2018 c 110 s 206 and 2018 c 109 s 11 are each reenacted and amended to read as follows:

(1) In the case of voter registration records received through the health benefit exchange, the department of licensing, or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote must be used only for voter registration purposes, is not available for public inspection, and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public. ~~((Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.))~~

(2) Disclosure of information on individuals under the age of 18 is subject to section 1 of this act.

(3)(a) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, and (b) of this subsection, precinct lists and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(b) ~~((The personally identifiable information of individuals who are under the age of eighteen are exempt from public inspection and copying until the subject of the record is eighteen years of age, except for the purpose of processing and delivering ballots.))~~

(3)) Disclosure of information on individuals under the age of 18 is subject to section 1 of this act.

(4) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

**Sec. 9.** RCW 29A.08.760 and 2018 c 109 s 12 are each amended to read as follows:

The secretary of state shall provide a duplicate copy of the master statewide computer file or electronic data file of registered voters to the consolidated technology services agency for purposes of creating the jury source list without cost. The information contained in a voter registration application is exempt from inclusion until the applicant reaches age eighteen. ~~((Information that is otherwise disclosable under this chapter cannot be disclosed on the future voter until the person reaches eighteen years of age, except for the purpose of processing and delivering ballots.))~~ Disclosure of information on individuals under the age of 18 is subject to section 1 of this act. Restrictions as to the commercial use of the information on the statewide computer ~~((tape or))~~ data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW 29A.08.720 and 29A.08.740.

**Sec. 10.** RCW 29A.08.770 and 2018 c 109 s 19 are each amended to read as follows:

The secretary of state and each county auditor shall maintain for at least two years and shall make available for public inspection and copying all records concerning the implementation of programs and activities conducted for the purpose of insuring the accuracy and currency of official lists of eligible voters. These records must include lists of the names and addresses of all persons to whom notices are sent and information concerning whether or not each person has responded to the notices. These records must contain lists of all persons removed from the list of eligible voters and the reasons why the voters were removed. ~~((The personally identifiable information of individuals who are under the age of eighteen are exempt from public inspection and copying until the subject of the record is eighteen years of age, except for the purpose of processing and delivering ballots.))~~ Disclosure of information on individuals under the age of 18 is subject to section 1 of this act.

**Sec. 11.** RCW 29A.80.041 and 2020 c 208 s 19 are each amended to read as follows:

(1) Any member of a major political party who is a registered voter in the precinct and who will be at least eighteen years old by the date of the precinct committee officer election may file his or her declaration of candidacy as prescribed under RCW 29A.24.031 with the county auditor for the office of precinct committee officer of his or her party in that precinct.

(2) Disclosure of filing information for precinct committee officer candidates who have not reached the age of 18 is the same as all candidates for precinct committee officer.

(3) When elected at the primary, the precinct committee officer shall serve so long as the committee officer remains an eligible voter in that precinct.

**Sec. 12.** RCW 46.20.155 and 2018 c 109 s 15 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the agent shall ask the following:

(1) "Are you a United States citizen?"

(2) "Are you at least eighteen years old or are you at least sixteen years old and will you vote only after you turn eighteen?"

If the applicant answers in the affirmative to both questions, the agent shall then submit the registration, sign up form, or update. If the applicant answers in the negative to either question, the agent shall not submit an application.

(2) Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed ~~((on the))~~ for a future voter until the person reaches eighteen years of age ~~(, except)~~ or until the person is eligible to participate in the next presidential primary, primary, or election, or for the purpose of processing and delivering ballots.

~~((+2))~~ (3) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

**Sec. 13.** RCW 46.20.155 and 2020 c 208 s 8 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register or sign up to vote or update your voter registration?"

If the applicant chooses to register, sign up, or update a registration, the agent shall ask the following:

~~((1))~~ "Are you a United States citizen?"

~~((2) "Are you at least sixteen years old?")~~

If the applicant answers in the affirmative ~~((to both questions))~~, the agent shall then submit the registration, sign up form, or update. If the applicant answers in the negative to ~~((either))~~ the question, the agent shall not submit an application.

(2) Information that is otherwise disclosable under chapter 29A.08 RCW cannot be disclosed ~~((on the))~~ for a future voter until the person reaches eighteen years of age ~~(, except)~~ or until the person is eligible to participate in the next presidential primary, primary, or election,

or for the purpose of processing and delivering ballots.

~~((+2))~~ (3) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

**Sec. 14.** RCW 42.56.230 and 2021 c 89 s 1 are each amended to read as follows:

The following personal information is exempt from public inspection and copying under this chapter:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2)(a) Personal information:

(i) For a child enrolled in licensed child care in any files maintained by the department of children, youth, and families;

(ii) For a child enrolled in a public or nonprofit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs;

(iii) For the family members or guardians of a child who is subject to the exemption under this subsection (2) if the family member or guardian has the same last name as the child or if the family member or guardian resides at the same address as the child and disclosure of the family member's or guardian's information would result in disclosure of the personal information exempted under (a)(i) and (ii) of this subsection; or

(iv) For substitute caregivers who are licensed or approved to provide overnight care of children by the department of children, youth, and families.

(b) Emergency contact information under this subsection (2) may be provided to appropriate authorities and medical personnel for the purpose of treating the individual during an emergency situation;

(3) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(4) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would: (a) Be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance authorized under RCW 35.102.145; or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;

(5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information as defined in RCW 9.35.005 including social security numbers, except when disclosure is expressly required by or governed by other law;

(6) Personal and financial information related to a small loan or any system of authorizing a small loan in RCW 31.45.093;

(7) (a) Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicaid.

(b) Information provided under RCW 46.20.111 that indicates that an applicant declined to register with the selective service system.

(c) Any record pertaining to a vehicle license plate, driver's license, or identicaid issued under RCW 46.08.066 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement, confidential public health work, public assistance fraud, or child support investigative activity. This exemption does not prevent the release of the total number of vehicle license plates, drivers' licenses, or identicards that, under RCW 46.08.066, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

(d) Any record pertaining to a vessel registration issued under RCW 88.02.330 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement activity. This exemption does not prevent the release of the total number of vessel registrations that, under RCW 88.02.330, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

Upon request by the legislature, the department of licensing shall provide a report to the legislature containing all of the information in (c) of this subsection (7) and this subsection (7)(d) that is subject to public disclosure;

(8) All information related to individual claim resolution settlement agreements submitted to the board of industrial insurance appeals under RCW 51.04.063, other than final orders from the board of industrial insurance appeals. The board of industrial insurance appeals shall provide to the department of labor and industries copies of all final claim resolution settlement agreements;

(9) Voluntarily submitted information contained in a database that is part of or associated with enhanced 911 emergency communications systems, or information contained or used in emergency notification systems as provided under RCW 38.52.575 and 38.52.577;

~~(10) ((Until the person reaches eighteen years of age, information, otherwise disclosable under chapter 29A.08 RCW, that relates to a future voter, except for the purpose of processing and delivering ballots)) Information relating to a future voter, as provided in section 1 of this act;~~

(11) All information submitted by a person to the state, either directly or through a state-licensed gambling establishment, or Indian tribes, or tribal enterprises that own gambling operations or facilities with class III gaming compacts, as part of the self-exclusion program established in RCW 9.46.071 or 67.70.040 for

people with a gambling problem or gambling disorder; and

(12) Names, addresses, or other personal information of individuals who participated in the bump-fire stock buy-back program under RCW 43.43.920.

**Sec. 15.** RCW 42.56.250 and 2020 c 106 s 1 are each amended to read as follows:

The following employment and licensing information is exempt from public inspection and copying under this chapter:

(1) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;

(2) All applications for public employment other than for vacancies in elective office, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

(3) Professional growth plans (PGPs) in educator license renewals submitted through the eCert system in the office of the superintendent of public instruction;

(4) The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicaid numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240;

(5) Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed;

(6) Investigative records compiled by an employing agency in connection with an investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws or an employing agency's internal policies prohibiting discrimination or harassment in employment. Records are exempt in their entirety while the investigation is active and ongoing. After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names of complainants, other accusers, and witnesses are redacted, unless a complainant, other accuser, or witness has consented to the

disclosure of his or her name. The employing agency must inform a complainant, other accuser, or witness that his or her name will be redacted from the investigation records unless he or she consents to disclosure;

(7) Criminal history records checks for board staff finalist candidates conducted pursuant to RCW 43.33A.025;

(8) Photographs and month and year of birth in the personnel files of employees or volunteers of a public agency, including employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030;

(9) The global positioning system data that would indicate the location of the residence of a public employee or volunteer using the global positioning system recording device;

(10) ~~((Until the person reaches eighteen years of age, information, otherwise disclosable under chapter 29A.08 RCW, that relates to a future voter, except for the purpose of processing and delivering ballots))~~ Information relating to a future voter, as provided in section 1 of this act; and

(11) Voluntarily submitted information collected and maintained by a state agency or higher education institution that identifies an individual state employee's personal demographic details. "Personal demographic details" means race or ethnicity, sexual orientation as defined by RCW 49.60.040 ~~((+26))~~ (27), immigration status, national origin, or status as a person with a disability. This exemption does not prevent the release of state employee demographic information in a deidentified or aggregate format.

(12) Upon receipt of a request for information located exclusively in an employee's personnel, payroll, supervisor, or training file, the agency must provide notice to the employee, to any union representing the employee, and to the requestor. The notice must state:

(a) The date of the request;

(b) The nature of the requested record relating to the employee;

(c) That the agency will release any information in the record which is not exempt from the disclosure requirements of this chapter at least ten days from the date the notice is made; and

(d) That the employee may seek to enjoin release of the records under RCW 42.56.540.

**NEW SECTION. Sec. 16.** RCW 29A.08.375 (Automatic registration—Rule-making authority) and 2018 c 110 s 207 are each repealed.

**NEW SECTION. Sec. 17.** Section 12 of this act expires September 1, 2023.

**NEW SECTION. Sec. 18.** Section 13 of this act takes effect September 1, 2023."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

March 28, 2023

**ESSB 5173**

Prime Sponsor, Law & Justice: Concerning property exempt from execution. Reported by Committee on Civil Rights & Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 6.15.010 and 2021 c 50 s 2 are each amended to read as follows:

(1) Except as provided in RCW 6.15.050, the following personal property is exempt from execution, attachment, and garnishment:

(a) All wearing apparel of every individual and family, but not to exceed ~~((three thousand five hundred dollars))~~ \$3,500 in value in furs, jewelry, and personal ornaments for any individual.

(b) All private libraries including electronic media, which includes audiovisual, entertainment, or reference media in digital or analogue format, of every individual, but not to exceed ~~((three thousand five hundred dollars))~~ \$3,500 in value, and all family pictures and keepsakes.

(c) A cell phone, personal computer, and printer.

(d) To each individual or, as to community property of spouses maintaining a single household as against a creditor of the community, to the community, provided that each spouse is entitled to his or her own exemptions in this subsection (1)(d):

(i) ~~((The individual's or community's))~~ All household goods, appliances, furniture, and home and yard equipment, not to exceed ~~((six thousand five hundred dollars))~~ \$6,500 in value for the individual ~~((or thirteen thousand dollars for the community, no single item to exceed seven hundred fifty dollars))~~, said amount to include provisions and fuel for ~~((the))~~ comfortable maintenance ~~((of the individual or community));~~

(ii) In a bankruptcy case, any other personal property, except personal earnings as provided under RCW 6.15.050(1), not to exceed \$10,000 in value. The value shall be determined as of the date the bankruptcy petition is filed;

(iii) Other than in a bankruptcy case as described in (d)(ii) of this subsection, other personal property, except personal earnings as provided under RCW 6.15.050(1), not to exceed ((three thousand dollars)) \$3,000 in value, ((of which not more than

~~one thousand five hundred dollars in value may consist of cash, and)) of which not more than:~~

(A) For all debts except private student loan debt and consumer debt, ~~((five hundred dollars))~~ \$500 in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under this subsection (1)(d) ~~((ii))~~ (iii)(A) shall be automatically protected and may not exceed ~~((five hundred dollars))~~ \$500, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(B) For all private student loan debt, ~~((two thousand five hundred dollars))~~ \$2,500 in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. \$1,000 in value shall be automatically protected. The maximum exemption under this subsection (1)(d) ~~((ii))~~ (iii)(B) may not exceed ~~((two thousand five hundred dollars))~~ \$2,500, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(C) For all consumer debt, ~~((two thousand dollars))~~ \$2,000 in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. \$1,000 in value shall be automatically protected. The maximum exemption under this subsection (1)(d) ~~((ii))~~ (iii)(C) may not exceed ~~((two thousand dollars))~~ \$2,000, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities;

~~((iii) For an individual, a) (iv) A motor vehicle ((used for personal transportation)) not to exceed ((three thousand two hundred fifty dollars or for a community two motor vehicles used for personal transportation, not to exceed six thousand five hundred dollars)) \$15,000 in aggregate value;~~

~~((iv)) (v) Any past due, current, or future child support paid or owed to the debtor, which can be traced;~~

~~((v)) (vi) All professionally prescribed health aids for the debtor or a dependent of the debtor; ((and~~

~~(vi)) (vii) To any individual, the right to or proceeds of a payment not to exceed twenty thousand dollars on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent; or the right to or proceeds of a payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor; and~~

~~(viii) In a bankruptcy case, the right to or proceeds of personal injury of the debtor or an individual of whom the debtor is a dependent; or the right to or proceeds of a payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent are free of the enforcement of the claims of creditors, except to the extent such claims~~

are for the satisfaction of any liens or subrogation claims arising out of the claims for personal injury or death. The exemption under this subsection (1)(d) ~~((vi))~~ (viii) does not apply to the right of the state of Washington, or any agent or assignee of the state, as a lienholder or subrogee under RCW 43.20B.060.

~~(e) ((To each qualified individual, one of the following exemptions:~~

~~(i) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed ten thousand dollars in value;~~

~~(ii) To a physician, surgeon, attorney, member of the clergy, or other professional person, the individual's library, office furniture, office equipment and supplies, not to exceed ten thousand dollars in value;~~

~~(iii) To any ((other)) individual, the tools ((and)) instruments ((and)) materials, and supplies used to carry on his or her trade ((for the support of himself or herself or family,)) not to exceed ((ten thousand dollars)) \$15,000 in value.~~

(f) Tuition units, under chapter 28B.95 RCW, purchased more than two years prior to the date of a bankruptcy filing or court judgment, and contributions to any other qualified tuition program under 26 U.S.C. Sec. 529 of the internal revenue code of 1986, as amended, and to a Coverdell education savings account, also known as an education individual retirement account, under 26 U.S.C. Sec. 530 of the internal revenue code of 1986, as amended, contributed more than two years prior to the date of a bankruptcy filing or court judgment.

(2) For purposes of this section, "value" means the reasonable market value of the debtor's interest in an article or item at the time it is selected for exemption, exclusive of all liens and encumbrances thereon.

(3)(a) In the case of married persons, each spouse is entitled to the exemptions provided in this section, which may be combined with the other spouse's exemption in the same property or taken in different exempt property.

(b) Whenever a debtor claims a combined exemption with their spouse, a creditor may serve on the debtor a written demand for evidence that the debtor is married and their spouse has agreed to the combined exemption. The demand must expressly and clearly state the debtor has 30 days to send the creditor a response by mail or email, the specific mailing or email address the debtor must send a response to, and that the debtor may establish the existence of their marriage through documentary evidence such as a copy of their marriage certificate or an equivalent document, and may establish each spouse's agreement to combine exemptions with a written declaration given under penalty of perjury that has been signed by both spouses. The creditor shall provide the debtor with a one-page form declaration for this purpose with its demand for evidence.

(c) If the debtor fails to timely respond to the creditor's demand, or the creditor concludes in good faith on the basis of the debtor's response that the debtor is not

married or their spouse has not consented to combine exemptions, the creditor may seek a declaratory judgment pursuant to chapter 7.24 RCW, from the superior court of the county in which the debtor resides or from the court wherein the exemption claim is at issue, that the debtor is not legally entitled to claim a combined exemption. If the court finds a combined exemption was claimed in bad faith, the court may award costs and attorneys' fees to the creditor. If the court finds the creditor objected to the combined exemption or sought declaratory judgment in bad faith, the court may award costs and reasonable attorneys' fees to the debtor. A creditor shall not seek to execute, attach, garnish, or otherwise collect funds or property a debtor has claimed as subject to a specific combined exemption unless a court has issued a declaratory judgment that the debtor is not legally entitled to claim the combined exemption at issue.

(4)(a) Beginning April 2026, and each April on a three-year interval thereafter, the department of revenue must adjust the applicable amounts for the following three-year interval by multiplying the current applicable amounts by one plus the percentage by which the most current consumer price index available on January 31st of the year of such April exceeds the consumer price index for the prior three-year period, and rounding the result to the nearest \$25. If an adjustment under this subsection (4) would reduce the applicable amounts under this section, the department of revenue must not adjust the applicable amounts for use in the three-year interval. The department of revenue must publish the adjusted applicable amounts on its public website by April 1st of the first year of the three-year interval in which the applicable amounts are adjusted. The adjusted applicable amounts calculated under this subsection (4) take effect on April 1st of the calendar year in which they are adjusted under this subsection (4).

(b) For purposes of this subsection (4):

(i) "Applicable amounts" means each dollar amount in effect under this section.

(ii) "Consumer price index" means the consumer price index seasonally adjusted for all urban consumers, all items, for the United States as calculated by the United States bureau of labor statistics or its successor agency.

**Sec. 2.** RCW 6.15.010 and 2019 c 371 s 3 are each amended to read as follows:

(1) Except as provided in RCW 6.15.050, the following personal property is exempt from execution, attachment, and garnishment:

(a) All wearing apparel of every individual and family, but not to exceed ~~((three thousand five hundred dollars))~~ \$3,500 in value in furs, jewelry, and personal ornaments for any individual.

(b) All private libraries including electronic media, which includes audiovisual, entertainment, or reference media in digital or analogue format, of every individual, but not to exceed ~~((three thousand five hundred dollars))~~ \$3,500 in

value, and all family pictures and keepsakes.

(c) A cell phone, personal computer, and printer.

(d) To each individual or, as to community property of spouses maintaining a single household as against a creditor of the community, to the community, provided that each spouse is entitled to his or her own exemptions in this subsection (1)(d):

~~((The individual's or community's))~~ All household goods, appliances, furniture, and home and yard equipment, not to exceed ~~((six thousand five hundred dollars))~~ \$6,500 in value for the individual ~~((or thirteen thousand dollars for the community, no single item to exceed seven hundred fifty dollars))~~, said amount to include provisions and fuel for ~~((the))~~ comfortable maintenance ~~((of the individual or community));~~

(ii) In a bankruptcy case, any other personal property, except personal earnings as provided under RCW 6.15.050(1), not to exceed \$10,000 in value. The value shall be determined as of the date the bankruptcy petition is filed;

(iii) Other than in a bankruptcy case as described in (d)(ii) of this subsection, other personal property, except personal earnings as provided under RCW 6.15.050(1), not to exceed ~~((three thousand dollars))~~ \$3,000 in value, ~~((of which not more than one thousand five hundred dollars in value may consist of cash, and))~~ of which not more than:

(A) For all debts except private student loan debt and consumer debt, ~~((five hundred dollars))~~ \$500 in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under this subsection (1)(d) ~~((-iii))~~ (iii) (A) may not exceed ~~((five hundred dollars))~~ \$500, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(B) For all private student loan debt, ~~((two thousand five hundred dollars))~~ \$2,500 in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under this subsection (1)(d) ~~((-iii))~~ (iii) (B) may not exceed ~~((two thousand five hundred dollars))~~ \$2,500, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(C) For all consumer debt, ~~((two thousand dollars))~~ \$2,000 in value may consist of bank accounts, savings and loan accounts, stocks, bonds, or other securities. The maximum exemption under this subsection (1)(d) ~~((-iii))~~ (iii) (C) may not exceed ~~((two thousand dollars))~~ \$2,000, regardless of the number of existing separate bank accounts, savings and loan accounts, stocks, bonds, or other securities;

~~((iii))~~ For an individual, a) (iv) A motor vehicle ((used for personal transportation,)) not to exceed ~~((three thousand two hundred fifty dollars or for a community two motor vehicles used for personal transportation, not to exceed six thousand five hundred dollars))~~ \$15,000 in aggregate value;



~~((iv))~~(v) Any past due, current, or future child support paid or owed to the debtor, which can be traced;

~~((v))~~(vi) All professionally prescribed health aids for the debtor or a dependent of the debtor; ~~(and~~

~~(vi))~~(vii) To any individual, the right to or proceeds of a payment not to exceed twenty thousand dollars on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent; or the right to or proceeds of a payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor; and

(viii) In a bankruptcy case, the right to or proceeds of personal injury of the debtor or an individual of whom the debtor is a dependent; or the right to or proceeds of a payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent are free of the enforcement of the claims of creditors, except to the extent such claims are for the satisfaction of any liens or subrogation claims arising out of the claims for personal injury or death. The exemption under this subsection (1)(d) ~~((vi))~~(viii) does not apply to the right of the state of Washington, or any agent or assignee of the state, as a lienholder or subrogee under RCW 43.20B.060.

(e) ~~((To each qualified individual, one of the following exemptions:~~

~~(i) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed ten thousand dollars in value;~~

~~(ii) To a physician, surgeon, attorney, member of the clergy, or other professional person, the individual's library, office furniture, office equipment and supplies, not to exceed ten thousand dollars in value;~~

~~(iii)) To any ~~((either))~~ individual, the tools ~~((and))~~ instruments ~~((and))~~ materials, and supplies used to carry on his or her trade ~~((for the support of himself or herself or family,))~~ not to exceed ~~((ten thousand dollars))~~ \$15,000 in value.~~

(f) Tuition units, under chapter 28B.95 RCW, purchased more than two years prior to the date of a bankruptcy filing or court judgment, and contributions to any other qualified tuition program under 26 U.S.C. Sec. 529 of the internal revenue code of 1986, as amended, and to a Coverdell education savings account, also known as an education individual retirement account, under 26 U.S.C. Sec. 530 of the internal revenue code of 1986, as amended, contributed more than two years prior to the date of a bankruptcy filing or court judgment.

(2) For purposes of this section, "value" means the reasonable market value of the debtor's interest in an article or item at the time it is selected for exemption, exclusive of all liens and encumbrances thereon.

(3)(a) In the case of married persons, each spouse is entitled to the exemptions

provided in this section, which may be combined with the other spouse's exemption in the same property or taken in different exempt property.

(b) Whenever a debtor claims a combined exemption with their spouse, a creditor may serve on the debtor a written demand for evidence that the debtor is married and their spouse has agreed to the combined exemption. The demand must expressly and clearly state the debtor has 30 days to send the creditor a response by mail or email, the specific mailing or email address the debtor must send a response to, and that the debtor may establish the existence of their marriage through documentary evidence such as a copy of their marriage certificate or an equivalent document, and may establish each spouse's agreement to combine exemptions with a written declaration given under penalty of perjury that has been signed by both spouses. The creditor shall provide the debtor with a one-page form declaration for this purpose with its demand for evidence.

(c) If the debtor fails to timely respond to the creditor's demand, or the creditor concludes in good faith on the basis of the debtor's response that the debtor is not married or their spouse has not consented to combine exemptions, the creditor may seek a declaratory judgment pursuant to chapter 7.24 RCW, from the superior court of the county in which the debtor resides or from the court wherein the exemption claim is at issue, that the debtor is not legally entitled to claim a combined exemption. If the court finds a combined exemption was claimed in bad faith, the court may award costs and attorneys' fees to the creditor. If the court finds the creditor objected to the combined exemption or sought declaratory judgment in bad faith, the court may award costs and reasonable attorneys' fees to the debtor. A creditor shall not seek to execute, attach, garnish, or otherwise collect funds or property a debtor has claimed as subject to a specific combined exemption unless a court has issued a declaratory judgment that the debtor is not legally entitled to claim the combined exemption at issue.

(4)(a) Beginning April 2026, and each April on a three-year interval thereafter, the department of revenue must adjust the applicable amounts for the following three-year interval by multiplying the current applicable amounts by one plus the percentage by which the most current consumer price index available on January 31st of the year of such April exceeds the consumer price index for the prior three-year period, and rounding the result to the nearest \$25. If an adjustment under this subsection (4) would reduce the applicable amounts under this section, the department of revenue must not adjust the applicable amounts for use in the three-year interval. The department of revenue must publish the adjusted applicable amounts on its public website by April 1st of the first year of the three-year interval in which the applicable amounts are adjusted. The adjusted applicable amounts calculated under this subsection (4) take effect on April 1st

of the calendar year in which they are adjusted under this subsection (4).

(b) For purposes of this subsection (4):

(i) "Applicable amounts" means each dollar amount in effect under this section.

(ii) "Consumer price index" means the consumer price index seasonally adjusted for all urban consumers, all items, for the United States as calculated by the United States bureau of labor statistics or its successor agency.

**Sec. 3.** RCW 51.32.040 and 2013 c 125 s 6 are each amended to read as follows:

(1) Except as provided in RCW 43.20B.720, 72.09.111, 74.20A.260, and 51.32.380, no money paid or payable under this title shall, ~~((before the issuance and delivery of the payment,))~~ be assigned, charged, or taken in execution, attached, garnished, or pass or be paid to any other person by operation of law, any form of voluntary assignment, or power of attorney. Any such assignment or charge is void unless the transfer is to a financial institution at the request of a worker or other beneficiary and made in accordance with RCW 51.32.045. Payments retain their exempt status even after issuance.

(2)(a) If any worker suffers (i) a permanent partial injury and dies from some other cause than the accident which produced the injury before he or she receives payment of the award for the permanent partial injury or (ii) any other injury before he or she receives payment of any monthly installment covering any period of time before his or her death, the amount of the permanent partial disability award or the monthly payment, or both, shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the award or the amount of the monthly payment shall be paid by the department or self-insurer and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(b) If any worker suffers an injury and dies from it before he or she receives payment of any monthly installment covering time loss for any period of time before his or her death, the amount of the monthly payment shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the amount of the monthly payment shall be paid by the department or self-insurer and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(c) Any application for compensation under this subsection (2) shall be filed with the department or self-insuring employer within one year of the date of death. The department or self-insurer may satisfy its responsibilities under this subsection (2) by sending any payment due in the name of the decedent and to the last known address of the decedent.

(3)(a) Any worker or beneficiary receiving benefits under this title who is

subsequently confined in, or who subsequently becomes eligible for benefits under this title while confined in, any institution under conviction and sentence shall have all payments of the compensation canceled during the period of confinement. After discharge from the institution, payment of benefits due afterward shall be paid if the worker or beneficiary would, except for the provisions of this subsection (3), otherwise be entitled to them.

(b) If any prisoner is injured in the course of his or her employment while participating in a work or training release program authorized by chapter 72.65 RCW and is subject to the provisions of this title, he or she is entitled to payments under this title, subject to the requirements of chapter 72.65 RCW, unless his or her participation in the program has been canceled, or unless he or she is returned to a state correctional institution, as defined in RCW 72.65.010(3), as a result of revocation of parole or new sentence.

(c) If the confined worker has any beneficiaries during the confinement period during which benefits are canceled under (a) or (b) of this subsection, they shall be paid directly the monthly benefits which would have been paid to the worker for himself or herself and the worker's beneficiaries had the worker not been confined.

(4) Any lump sum benefits to which a worker would otherwise be entitled but for the provisions of this section shall be paid on a monthly basis to his or her beneficiaries.

**Sec. 4.** RCW 6.27.100 and 2021 c 50 s 3 are each amended to read as follows:

(1) A writ issued for a continuing lien on earnings shall be substantially in the form provided in RCW 6.27.105. All other writs of garnishment shall be substantially in the following form, but:

(a) If the writ is issued under an order or judgment for child support, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for child support";

(b) If the writ is issued under an order or judgment for private student loan debt, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for private student loan debt";

(c) If the writ is issued under an order or judgment for consumer debt, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or order for consumer debt"; and

(d) If the writ is issued by an attorney, the writ shall be revised as indicated in subsection (2) of this section:

"IN THE . . . . . COURT  
OF THE STATE OF WASHINGTON IN AND  
FOR  
THE COUNTY OF . . . . .  
. . . . . ,  
Plaintiff, No. . . . .  
vs.  
. . . . . , WRIT OF

Defendant, GARNISHMENT
. . . . . ,
Garnishee

THE STATE OF WASHINGTON TO: . . . . .
Garnishee

AND TO: . . . . .
Defendant

The above-named plaintiff has applied for a writ of garnishment against you, claiming that the above-named defendant is indebted to plaintiff and that the amount to be held to satisfy that indebtedness is \$ . . . . ., consisting of:

Table with 2 columns: Description and Amount. Rows include: Balance on Judgment or Amount of Claim, Interest under Judgment from . . . . . to . . . . ., Per Day Rate of Estimated Interest, Taxable Costs and Attorneys' Fees, Estimated Garnishment Costs: Filing and Ex Parte Fees, Service and Affidavit Fees, Postage and Costs of Certified Mail, Answer Fee or Fees, Garnishment Attorney Fee, Other.

YOU ARE HEREBY COMMANDED, unless otherwise directed by the court, by the attorney of record for the plaintiff, or by this writ, not to pay any debt, whether earnings subject to this garnishment or any other debt, owed to the defendant at the time this writ was served and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control at the time when this writ was served. Any such payment, delivery, sale, or transfer is void to the extent necessary to satisfy the plaintiff's claim and costs for this writ with interest.

YOU ARE FURTHER COMMANDED to answer this writ according to the instructions in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant, at the addresses listed at the bottom of this writ.

If you owe the defendant a debt payable in money in excess of the amount set forth in the first paragraph of this writ, hold only the amount set forth in the first paragraph and any processing fee if one is charged and release all additional funds or property to defendant.

FOR ALL DEBTS EXCEPT PRIVATE STUDENT LOAN DEBT AND CONSUMER DEBT:

If you are a bank or other institution in which the defendant has accounts to which the exemption under RCW 6.15.010(1)(d) ((-iii)) (iii)(A) applies and the total of the amounts held in all of the defendant's accounts is less than or equal to \$500, release all funds or property to the defendant and do not hold any amount. However, if you have documentation that the funds in the account are the community property of married persons or domestic partners, and if the total of the amounts held in all of the combined accounts of the married persons or domestic partners is less than or equal to \$1,000, then release all funds or property to the defendant and do not hold any amount.

If you are a bank or other institution in which the defendant has accounts to which the exemption under RCW 6.15.010(1)(d) ((-iii)) (iii)(A) applies and the total of the amounts held in all of the defendant's accounts is in excess of \$500, release at least \$500, hold no more than the amount set forth in the first paragraph of this writ and any processing fee if one is charged, and release additional funds or property, if any, to the defendant. However, if you have documentation that the funds in the account are the community property of married persons or domestic partners, and if the total of the amounts held in all of the combined accounts of the married persons or domestic partners is in excess of \$1,000, release at least \$1,000, hold no more than the amount set forth in the first paragraph of this writ and any processing fee if one is charged, and release additional funds or property, if any, to the defendant.

FOR PRIVATE STUDENT LOAN DEBT AND CONSUMER DEBT:

If you are a bank or other institution in which the defendant has accounts to which the exemption under RCW 6.15.010(1)(d) ((-iii)) (iii) (B) or (C) applies and the total of the amounts held in all of the defendant's accounts is less than or equal to \$1,000, release all funds or property to the defendant and do not hold any amount. However, if you have documentation that the funds in the account are the community property of married persons or domestic partners, and if the total of the amounts held in all of the combined accounts of the married persons or domestic partners is less than or equal to \$2,000, then release all funds or property to the defendant and do not hold any amount.

If you are a bank or other institution in which the defendant has accounts to which the exemption under RCW 6.15.010(1)(d) ((-iii)) (iii) (B) or (C) applies and the total of the amounts held in all of the defendant's accounts is in excess of \$1,000, release at least \$1,000, hold no more than the amount set forth in the first paragraph of this writ and any processing fee if one is charged, and release additional funds or property, if any, to the defendant. However, if you have documentation that the funds in the account are the community property of married persons or domestic partners, and if the total of the amounts held in all of the combined accounts of the married persons or

domestic partners is in excess of \$2,000, release at least \$2,000, hold no more than the amount set forth in the first paragraph of this writ and any processing fee if one is charged, and release additional funds or property, if any, to the defendant.

IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS IN YOUR POSSESSION OR CONTROL.

JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND FEES INCURRED BY THE PLAINTIFF.

Witness, the Honorable . . . . ., Judge of the above-entitled Court, and the seal thereof, this . . . . . day of . . . . ., . . . . . (year)

[Seal]

. . . . . Clerk  
for of the  
Plaintiff Court  
(or  
Plaintiff,  
if no  
attorney)  
. . . . .  
Address By  
. . . . .  
Name of Defendant Address"  
. . . . .  
Address of  
Defendant

(2) If an attorney issues the writ of garnishment, the final paragraph of the writ, containing the date, and the subscripted attorney and clerk provisions, shall be replaced with text in substantially the following form:

"This writ is issued by the undersigned attorney of record for plaintiff under the authority of chapter 6.27 of the Revised Code of Washington, and must be complied with in the same manner as a writ issued by the clerk of the court.

Dated this . . . . .day  
of . . . . .,  
(year)  
. . . . .  
Attorney for  
Plaintiff  
. . . . .  
Address Address of the  
Clerk of the  
Court"  
. . . . .  
Name of Defendant  
. . . . .  
Address of  
Defendant

Sec. 5. RCW 6.27.140 and 2021 c 35 s 2 are each amended to read as follows:

(1) The notice required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in no smaller than size twelve point font:

NOTICE OF GARNISHMENT  
AND OF YOUR RIGHTS

A Writ of Garnishment issued in a Washington court has been or will be served on the garnishee named in the attached copy of the writ. After receipt of the writ, the garnishee is required to withhold payment of any money that was due to you and to withhold any other property of yours that the garnishee held or controlled. This notice of your rights is required by law.

YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

WAGES. If the garnishee is your employer who owes wages or other personal earnings to you, your employer is required to pay amounts to you that are exempt under state and federal laws, as explained in the writ of garnishment. You should receive a copy of your employer's answer, which will show how the exempt amount was calculated. A garnishment against wages or other earnings for child support may not be issued under chapter 6.27 RCW. If the garnishment is for private student loan debt, the exempt amount paid to you will be the greater of the following: A percent of your disposable earnings, which is eighty-five percent of the part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld, or fifty times the minimum hourly wage of the highest minimum wage law in the state at the time the earnings are payable. If the garnishment is for consumer debt, the exempt amount paid to you will be the greater of the following: A percent of your disposable earnings, which is eighty percent of the part of your earnings remaining after your employer deducts those amounts which are required by law to be withheld, or thirty-five times the state minimum hourly wage.

BANK ACCOUNTS. If the garnishee is a bank or other institution with which you have an account in which you have deposited benefits such as Temporary Assistance for Needy Families, Supplemental Security Income (SSI), Social Security, veterans' benefits, unemployment compensation, or any federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan, you may claim the account as fully exempt if you have deposited only such benefit funds in the account. It may be partially exempt even though you have deposited money from other sources in the same

account. An exemption is also available under RCW 26.16.200, providing that funds in a community bank account that can be identified as the earnings of a stepparent are exempt from a garnishment on the child support obligation of the parent.

OTHER EXEMPTIONS. If the garnishee holds other property of yours, some or all of it may be exempt under RCW 6.15.010, a Washington statute that exempts certain property of your choice (including, if the judgment is for private student loan debt, up to \$2,500.00 in a bank account ((if you owe on private student loan debts;)), or for a marital community or domestic partnership up to \$5,000.00 in a bank account; if the judgment is for other consumer debt, up to \$2,000.00 in a bank account ((if you owe on consumer debts; or)), or for a marital community or domestic partnership up to \$4,000.00 in a bank account; or, if the judgment is for any other debts, up to \$500.00 in a bank account ((for all other debts)), or for a marital community or domestic partnership up to \$1,000.00 in a bank account) and certain other property such as household furnishings, tools of trade, and a motor vehicle (all limited by differing dollar values).

HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and mail or deliver it as described in instructions on the claim form. If the plaintiff does not object to your claim, the funds or other property that you have claimed as exempt must be released not later than 10 days after the plaintiff receives your claim form. If the plaintiff objects, the law requires a hearing not later than 14 days after the plaintiff receives your claim form, and notice of the objection and hearing date will be mailed to you at the address that you put on the claim form.

THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

(2) (a) If the writ is to garnish funds or property held by a financial institution, the claim form required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in no smaller than size twelve point font:

[Caption to be filled in by judgment creditor or plaintiff before mailing.]

Name of Court

..... No .....  
Plaintiff,

vs.

..... EXEMPTION CLAIM

Defendant,  
Garnishee  
Defendant

INSTRUCTIONS:

- 1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first-class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first-class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.

I/We claim the following money or property as exempt:

IF BANK ACCOUNT IS GARNISHED:

[ ] The account contains payments from:

- [ Temporary assistance for needy families, SSI, or other public assistance. I receive \$ . . . . . monthly.
[ Social Security. I receive \$ . . . . . monthly.
[ Veterans' Benefits. I receive \$ . . . . . monthly.
[ Federally qualified pension, such as a state or federal pension, individual retirement account (IRA), or 401K plan. I receive \$ . . . . . monthly.
[ Unemployment Compensation. I receive \$ . . . . . monthly.
[ Child support. I receive \$ . . . . . monthly.
[ Other. Explain . . . . .

((+ \$2,500 exemption for private student loan debts.
+ \$2,000 exemption for consumer debts.
+ \$500 exemption for all other debts.))

[ ] I/We claim the following exemptions:

[ Exemption for private student loan debts:

\$2,500 for an individual;  
 or  
 \$5,000 for a marital  
 community or domestic  
 partnership.

Exemption for consumer debts:

1

\$2,000 for an individual;  
 or  
 \$4,000 for a marital  
 community or domestic  
 partnership.

Exemption for all other debts:

1

\$500 for an individual; or  
 \$1,000 for a marital  
 community or domestic  
 partnership.

IF EXEMPTION IN BANK ACCOUNT IS CLAIMED, ANSWER ONE OR BOTH OF THE FOLLOWING:

- [ No money other than from above payments are in the account.
- [ Moneys in addition to the above payments have been deposited in the account. Explain . . . . .

OTHER PROPERTY:

[ Describe property . . . . . ]  
 . . . . .  
 (If you claim other personal property as exempt, you must attach a list of all other personal property that you own.)

Print: Your name . . . . . If married or in a state registered domestic partnership, name of husband/wife/state registered domestic partner . . . . .

Your signature . . . . . Signature of husband, wife, or state registered domestic partner . . . . .

Address . . . . . Address (if different from yours) . . . . .

Telephone number . . . . . Telephone number (if different from yours) . . . . .

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may

have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

(b) If the writ is directed to an employer to garnish earnings, the claim form required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in no smaller than size twelve point font type:

[Caption to be filled in by judgment creditor or plaintiff before mailing.]

. . . . .  
 Name of Court . . . . .  
 . . . . . No . . . . .  
 Plaintiff, . . . . .  
 vs. . . . . .  
 . . . . . EXEMPTION CLAIM  
 Defendant, . . . . .  
 . . . . .  
 Garnishee  
 Defendant

INSTRUCTIONS:

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first-class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first-class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.

I/We claim the following money or property as exempt:

IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

[ Name and address of employer who is paying the benefits: . . . . . ]

IF EARNINGS ARE GARNISHED FOR PRIVATE STUDENT LOAN DEBT:

[ I claim maximum exemption. ]

IF EARNINGS ARE GARNISHED FOR CONSUMER DEBT:

[ I claim maximum exemption. ]

. . . . . Print: Your If married or in a name state registered domestic partnership, name of husband/wife/state registered domestic partner

. . . . . Your Signature of signature husband, wife, or state registered domestic partner

. . . . . Address Address (if different from yours)

. . . . . Telephone Telephone number number (if different from yours)

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

(c) If the writ under (b) of this subsection is not a writ for the collection of private student loan debt, the exemption language pertaining to private student loan debt may be omitted.

(d) If the writ under (b) of this subsection is not a writ for the collection of consumer debt, the exemption language pertaining to consumer debt may be omitted.

NEW SECTION. Sec. 6. Sections 1 and 4 of this act expire July 1, 2025.

NEW SECTION. Sec. 7. Section 2 of this act takes effect July 1, 2025."

Correct the title.

Signed by Representatives Hansen, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Entenman; Goodman; Peterson; Thai and Walen.

MINORITY recommendation: Do not pass. Signed by Representative Graham, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Cheney; and Rude.

Referred to Committee on Rules for second reading

March 28, 2023

ESB 5175 Prime Sponsor, Senator Wellman: Concerning written contracts between school boards and principals. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.405.210 and 2016 c 85 s 1 are each amended to read as follows:

(1) No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he or she is the holder of an effective teacher's certificate or other certificate required by law or the Washington professional educator standards board for the position for which the employee is employed.

(2)(a) The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law and under (b) of this subsection, limited to a term of not more than one year. Every such contract shall be made in duplicate, one copy to be retained by the school district superintendent or secretary and one copy to be delivered to the employee. No contract shall be offered by any board for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

(b) A written contract made by a board with a principal under (a) of this subsection may be for a term of up to three years if the principal has: (i) Been employed as a principal for three or more consecutive years; (ii) been recommended by the superintendent as a candidate for a two or three-year contract because the principal has demonstrated the ability to stabilize instructional practices and received a

comprehensive performance rating of level 3 or above in their most recent comprehensive performance evaluation under RCW 28A.405.100; and (iii) met the school district's requirements for satisfying an updated record check under RCW 28A.400.303. A written contract made by a board with a principal under (a) of this subsection for a term of three years may not be renewed before the final year of the contract.

(3) In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, or if the omnibus appropriations act has not passed the legislature by the end of the regular legislative session for that year, then notification shall be no later than June 15th, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair or secretary of the board of directors of the district within ~~((ten))~~ 10 days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to determine whether there is sufficient cause or causes for nonrenewal of contract: PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.405.310(4) shall occur within ~~((ten))~~ 10 days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing is not timely given, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

(4) This section shall not be applicable to "provisional employees" as so designated in RCW 28A.405.220; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 or 28A.405.245 shall not be construed as a nonrenewal of contract for the purposes of this section.

**Sec. 2.** RCW 28A.400.300 and 2019 c 266 s 19 are each amended to read as follows:

(1) Every board of directors, unless otherwise specially provided by law, shall:

(a) Except as provided in RCW 28A.405.210(2) and subsection (3) of this

section, employ for not more than one year, and for sufficient cause discharge all certificated and classified employees;

(b) Adopt written policies granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or classified qualifications, including but not limited to leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness, injury, bereavement and emergencies for both certificated and classified employees, and with such compensation as the board of directors prescribe. However, the board of directors shall adopt written policies granting to such persons annual leave with compensation for illness, injury and emergencies as follows:

(i) For such persons under contract with the school district for a full year, at least ~~((ten))~~ 10 days;

(ii) For such persons under contract with the school district as part time employees, at least that portion of ~~((ten))~~ 10 days as the total number of days contracted for bears to ~~((one hundred eighty))~~ 180 days;

(iii) For certificated and classified employees, annual leave with compensation for illness, injury, and emergencies shall be granted and accrue at a rate not to exceed ~~((twelve))~~ 12 days per year; provisions of any contract in force on June 12, 1980, which conflict with requirements of this subsection shall continue in effect until contract expiration; after expiration, any new contract executed between the parties shall be consistent with this subsection;

(iv) Compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(v) Leave provided in this proviso not taken shall accumulate from year to year up to a maximum of ~~((one hundred eighty))~~ 180 days for the purposes of RCW 28A.400.210 and 28A.400.220, and for leave purposes up to a maximum of the number of contract days agreed to in a given contract, but not greater than one year. Such accumulated time may be taken at any time during the school year or up to ~~((twelve))~~ 12 days per year may be used for the purpose of payments for unused sick leave;

(vi) Sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (former RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(vii) Any leave for injury or illness accumulated up to a maximum of ~~((forty-five))~~ 45 days shall be creditable as service rendered for the purpose of determining the time at which an employee is eligible to retire, if such leave is taken it may not be compensated under the provisions of RCW 28A.400.210 and 28A.310.490;



(viii) Accumulated leave under this proviso shall be transferred to and from one district to another, the office of superintendent of public instruction, offices of educational service district superintendents and boards, the state school for the blind, the Washington center for deaf and hard of hearing youth, institutions of higher education, and community and technical colleges, to and from such districts, schools, offices, institutions of higher education, and community and technical colleges;

(ix) Leave accumulated by a person in a district prior to leaving said district may, under rules of the board, be granted to such person when the person returns to the employment of the district.

(2) When any certificated or classified employee leaves one school district within the state and commences employment with another school district within the state, the employee shall retain the same seniority, leave benefits and other benefits that the employee had in his or her previous position. However, classified employees who transfer between districts after July 28, 1985, shall not retain any seniority rights other than longevity when leaving one school district and beginning employment with another. If the school district to which the person transfers has a different system for computing seniority, leave benefits, and other benefits, then the employee shall be granted the same seniority, leave benefits and other benefits as a person in that district who has similar occupational status and total years of service.

(3) Notwithstanding subsection (1)(a) of this section, discharges of certificated and classified employees in school districts that are dissolved due to financial insolvency shall be conducted in accordance with RCW 28A.315.229."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; McClintock; Ortiz-Self; Pollet; Sandlin; Steele; Stonier and Timmons.

Referred to Committee on Rules for second reading

March 29, 2023

ESSB 5186 Prime Sponsor, Labor & Commerce:  
Requiring antidiscrimination clauses in  
public contracting. Reported by Committee  
on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 49.60 RCW to read as follows:

(1) After January 1, 2024, any contractor, including subcontractors, with the state for public works or for goods or services is subject to the nondiscrimination

requirements of this section and any rules and regulations to implement it.

(2) Every state contract and subcontract for public works or for goods or services must contain a nondiscrimination clause prohibiting discrimination on the bases enumerated in subsection (3) of this section. The nondiscrimination clause must contain a provision requiring contractors and subcontractors to give written notice of their obligations under that clause to labor organizations with which they have a collective bargaining or other agreement.

(3) The antidiscrimination clauses required by this section must prohibit any covered contractor or subcontractor from:

(a) Refusing to hire any person because of age, sex, marital status, sexual orientation, gender identity, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, 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, unless based upon a bona fide occupational qualification: PROVIDED, That the prohibition against discrimination because of such disability shall not apply if the particular disability prevents the proper performance of the particular worker involved: PROVIDED, That this section shall not be construed to require an employer to establish employment goals or quotas based on sexual orientation;

(b) Discharging or barring any person from employment because of age, sex, marital status, sexual orientation, gender identity, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, 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;

(c) Discriminating against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, gender identity, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, the use of a trained dog guide or service animal by a person with a disability: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes; or

(d) Printing or circulating, or causing to be printed or circulated, any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, sexual orientation, gender identity, race, creed, color, national origin, citizenship or immigration status, honorably discharged

veteran or military status, or the presence of any sensory, mental, or physical disability, the use of a trained dog guide or service animal by a person with a disability, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, That nothing contained herein shall prohibit advertising in a foreign language.

(4) The department of enterprise services, in collaboration with the office of minority and women's business enterprises, the office of equity, and the commission, must develop standard template contract provisions for public works and goods and services contracts to meet the provisions of this section.

**Sec. 2.** RCW 39.26.245 and 2010 c 5 s 6 are each amended to read as follows:

(1) All contracts entered into and purchases made, including leasing or renting, under this chapter on or after September 1, 1983, are subject to the requirements established under chapter 39.19 RCW.

(2) All procurement contracts entered into under this chapter on or after June 10, 2010, are subject to the requirements established under RCW 43.60A.200.

(3) All contracts with the state for goods or services entered into under this chapter on or after January 1, 2024, are subject to the requirements established under section 1 of this act.

**Sec. 3.** RCW 39.04.160 and 1983 c 120 s 11 are each amended to read as follows:

(1) All contracts entered into under this chapter by the state on or after September 1, 1983, are subject to the requirements established under chapter 39.19 RCW.

(2) All contracts entered into under this chapter by the state on or after January 1, 2024, are subject to the requirements established under section 1 of this act."

Correct the title.

Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson; Low and Mena.

Referred to Committee on Rules for second reading

March 29, 2023

2SSB 5263 Prime Sponsor, Ways & Means: Concerning access to psilocybin services by individuals 21 years of age and older. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to establish an advisory board, interagency work group, and a task force to provide advice and recommendations on developing a comprehensive regulatory framework for access to regulated psilocybin

for Washington residents who are at least 21 years of age.

**NEW SECTION. Sec. 2.** The legislature declares that the purposes of this chapter are:

(1) To develop a long-term strategic plan for ensuring that psilocybin services become and remain a safe, accessible, and affordable option for all persons 21 years of age and older in this state for whom psilocybin may be appropriate or as part of their indigenous religious or cultural practices;

(2) To protect the safety, welfare, health, and peace of the people of this state by prioritizing this state's limited law enforcement resources in the most effective, consistent, and rational way;

(3) To develop a comprehensive regulatory framework concerning psilocybin products and psilocybin services under state law;

(4) To prevent the distribution of psilocybin products to other persons who are not permitted to possess psilocybin products under this chapter including but not limited to persons under 21 years of age; and

(5) To prevent the diversion of psilocybin products from this state to other states.

**NEW SECTION. Sec. 3.** This chapter may be known and cited as the Washington psilocybin services act.

**NEW SECTION. Sec. 4.** (1) The Washington psilocybin advisory board is established within the department of health to provide advice and recommendations to the department of health, the liquor and cannabis board, and the department of agriculture. The Washington psilocybin advisory board shall consist of:

(a) Members appointed by the governor as specified in subsection (2) of this section;

(b) The secretary of the department of health or the secretary's designee;

(c) The state health officer or a physician acting as the state health officer's designee;

(d) A representative from the department of health who is familiar with public health programs and public health activities in this state; and

(e) A designee of the public health advisory board.

(2) The governor shall appoint the following individuals to the Washington psilocybin advisory board:

(a) Any four of the following:

(i) A state employee who has technical expertise in the field of public health;

(ii) A local health officer;

(iii) An individual who is a member of, or who represents, a federally recognized Indian tribe in this state;

(iv) An individual who is a member of, or who represents, a body that provides policy advice relating to substance use disorder policy;

(v) An individual who is a member of, or who represents, a body that provides policy advice relating to health equity;

(vi) An individual who is a member of, or who represents, a body that provides policy advice related to palliative care and quality of life; or

(vii) An individual who represents individuals who provide public health services directly to the public;

(b) A military veteran, or representative of an organization that advocates on behalf of military veterans, with knowledge of psilocybin;

(c) A social worker, mental health counselor, or marriage and family therapist licensed under chapter 18.225 RCW;

(d) A person who has knowledge regarding the indigenous or religious use of psilocybin;

(e) A psychologist licensed under chapter 18.83 RCW who has professional experience engaging in the diagnosis or treatment of a mental, emotional, or behavioral condition;

(f) A physician licensed under chapter 18.71 RCW;

(g) A naturopath licensed under chapter 18.36A RCW;

(h) An expert in the field of public health who has a background in academia;

(i) Any three of the following:

(i) A person who has professional experience conducting scientific research regarding the use of psychedelic compounds in clinical therapy;

(ii) A person who has experience in the field of mycology;

(iii) A person who has experience in the field of ethnobotany;

(iv) A person who has experience in the field of psychopharmacology; or

(v) A person who has experience in the field of harm reduction;

(j) A person designated by the liquor and cannabis board who has experience working with the cannabis central reporting system developed for tracking the transfer of cannabis items;

(k) The attorney general or the attorney general's designee; and

(1) One, two, or three at large members.

(3)(a) Members of the Washington psilocybin advisory board shall serve for a term of four years, but at the pleasure of the governor. Before the expiration of the term of a member, the governor shall appoint a successor whose term begins on January 1st of the following year. A member is eligible for reappointment. If there is a vacancy for any cause, the governor shall make an appointment to become immediately effective for the unexpired term.

(b) Members of the board described in subsection (1)(b) through (e) of this section are nonvoting ex officio members of the board.

(4) A majority of the voting members of the board constitutes a quorum. Official adoption of advice or recommendations by the Washington psilocybin advisory board requires the approval of a majority of the voting members of the board.

(5) The board shall elect one of its voting members to serve as chair.

(6) Until July 1, 2024, the Washington psilocybin advisory board shall meet at least five times a calendar year at a time and place determined by the chair or a majority of the voting members of the board.

After July 1, 2024, the board shall meet at least once every calendar quarter at a time and place determined by the chair or a majority of the voting members of the board. The board may meet at other times and places specified by the call of the chair or of a majority of the voting members of the board.

(7) The Washington psilocybin advisory board may adopt rules necessary for the operation of the board.

(8) The Washington psilocybin advisory board may establish committees and subcommittees necessary for the operation of the board.

(9) The members of the Washington psilocybin advisory board may receive reimbursement or an allowance for expenses within amounts appropriated for that specific purpose consistent with RCW 43.03.220.

NEW SECTION. **Sec. 5.** (1) An

interagency psilocybin work group of the department of health, the liquor and cannabis board, and the department of agriculture is created to provide advice and recommendations to the advisory board on the following:

(a) Developing a comprehensive regulatory framework for a regulated psilocybin system, including a process to ensure clean and pesticide free psilocybin products;

(b) Reviewing indigenous practices with psilocybin, clinical psilocybin trials, and findings;

(c) Reviewing research of medical evidence developed on the possible use and misuse of psilocybin therapy; and

(d) Ensuring that a social opportunity program is included within any licensing program created under this chapter to remedy the targeted enforcement of drug-related laws on overburdened communities.

(2) The findings of the psilocybin task force in section 6 of this act must be submitted to the interagency work group created in this section and to the psilocybin advisory board.

(3) The interagency psilocybin work group must submit regular updates to the psilocybin advisory board.

NEW SECTION. **Sec. 6.** (1) The health

care authority must establish a psilocybin task force to provide a report on psilocybin services. The director of the health care authority or the director's designee must be a member of the task force and serve as chair. The task force must also include, without limitation, the following members:

(a) The secretary of the department of health or the secretary's designee;

(b) The director of the liquor and cannabis board or the director's designee; and

(c) As appointed by the director of the health care authority, or the director's designee:

(i) A military veteran, or representative of an organization that advocates on behalf of military veterans, with knowledge of psilocybin;

(ii) Up to two recognized indigenous practitioners with knowledge of the use of

psilocybin or other psychedelic compounds in their communities;

(iii) An individual with expertise in disability rights advocacy;

(iv) A public health practitioner;

(v) Two psychologists with knowledge of psilocybin, experience in mental and behavioral health, or experience in palliative care;

(vi) Two mental health counselors, marriage and family therapists, or social workers with knowledge of psilocybin, experience in mental and behavioral health, or experience in palliative care;

(vii) Two physicians with knowledge of psilocybin, experience in mental and behavioral health, or experience in palliative care;

(viii) A health researcher with expertise in health equity or conducting research on psilocybin;

(ix) A pharmacologist with expertise in psychopharmacology;

(x) A representative of the cannabis industry with knowledge of regulation of medical cannabis and the cannabis business in Washington;

(xi) An advocate from the LGBTQIA community with knowledge of the experience of behavioral health issues within that community;

(xii) A member of the psychedelic medicine alliance of Washington; and

(xiii) Up to two members with lived experience of utilizing psilocybin.

(2) The health care authority must convene the first meeting of the task force by June 30, 2023.

(3) The health care authority must provide a final report to the governor and appropriate committees of the legislature by December 1, 2023, in accordance with RCW 43.01.036. The health care authority may form subcommittees within the task force and adopt procedures necessary to facilitate its work.

(4) The duties of the health care authority in consultation with the task force must include, without limitation, the following activities:

(a) Reviewing the available clinical information around specific clinical indications for use of psilocybin, including what co-occurring diagnoses or medical and family histories may exclude a person from use of psilocybin. Any review of clinical information should:

(i) Discuss populations excluded from existing clinical trials;

(ii) Discuss factors considered when approval of a medical intervention is approved;

(iii) Consider the diversity of participants in clinical trials and the limitations of each study when applying learnings to the population at large; and

(iv) Identify gaps in the clinical research for the purpose of identifying opportunities for investment by the state for the University of Washington, Washington State University, or both to consider studying.

(b) Reviewing and discussing regulatory structures for clinical use of psilocybin in Washington and other jurisdictions nationally and globally. This should include

discussing how various regulatory structures do or do not address concerns around public health and safety the task force has identified.

(5) The department of health, liquor and cannabis board, and department of agriculture must provide subject matter expertise and support to the task force and any subcommittee meetings. For the department of health, subject matter expertise includes an individual or individuals with knowledge and experience in rule making, the regulation of health professionals, and the regulation of health facilities.

(6) Meetings of the task force under this section must be open to participation by members of the public.

(7) Task force members participating on behalf of an employer, governmental entity, or other organization are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(8) It is the legislature's intent that the provisions of this section supersede section 211(99), chapter 297, Laws of 2022.

(9) This section expires June 30, 2024.

**NEW SECTION. Sec. 7.** (1) The duties, functions, and powers of the department of health specified in this chapter include the following:

(a) To examine, publish, and distribute to the public available medical, psychological, and scientific studies, research, and other information relating to the safety and efficacy of psilocybin in treating mental health conditions including, but not limited to, addiction, depression, anxiety disorders, and end-of-life psychological distress, and the potential for psilocybin to promote community, address trauma, and enhance physical and mental wellness;

(b) To adopt, amend, or repeal rules necessary to carry out the intent and provisions of this chapter, including rules that the department of health considers necessary to protect the public health and safety;

(c) To exercise all powers incidental, convenient, or necessary to enable the department of health to administer or carry out this chapter or any other law of this state that charges the department of health with a duty, function, or power related to psilocybin products and psilocybin services. Powers described in this subsection include, but are not limited to:

(i) Issuing subpoenas;

(ii) Compelling the attendance of witnesses;

(iii) Administering oaths;

(iv) Certifying official acts;

(v) Taking depositions as provided by law; and

(vi) Compelling the production of books, payrolls, accounts, papers, records, documents, and testimony.

(2) The jurisdiction, supervision, duties, functions, and powers held by the

department of health under this section are not shared by the pharmacy quality assurance commission under chapter 18.64 RCW.

**NEW SECTION. Sec. 8.** (1) Subject to amounts appropriated for this purpose, the psilocybin therapy services pilot program is established within, and administered by, the University of Washington department of psychiatry and behavioral sciences. No later than January 1, 2025, the University of Washington department of psychiatry and behavioral sciences must implement this section.

(2) The pilot program must:

(a) Offer psilocybin therapy services through pathways approved by the federal food and drug administration, to populations including first responders and veterans who are:

(i) 21 years of age or older; and

(ii) Experiencing posttraumatic stress disorder, mood disorders, or substance use disorders;

(b) Offer psilocybin therapy services facilitated by:

(i) An advanced social worker, independent clinical social worker, or mental health counselor licensed under chapter 18.225 RCW;

(ii) A physician licensed under chapter 18.71 RCW; or

(iii) A psychiatric advanced registered nurse practitioner licensed under chapter 18.79 RCW as defined in RCW 71.05.020;

(c) Ensure psilocybin therapy services are safe, accessible, and affordable;

(d) Require an initial assessment to understand participant goals and expectations, and assess the participant's history for any concerns that require further intervention or information before receiving psilocybin therapy services, and an integration session after receiving psilocybin therapy services; and

(e) Use outreach and engagement strategies to include participants from communities or demographic groups that are more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, age, or geographic location.

**NEW SECTION. Sec. 9.** Medical professionals licensed by the state of Washington shall not be subject to adverse licensing action for recommending psilocybin therapy services.

**NEW SECTION. Sec. 10.** (1) The liquor and cannabis board shall assist and cooperate with the department of health and the department of agriculture to the extent necessary to carry out their duties under this chapter.

(2) The department of agriculture shall assist and cooperate with the department of health to the extent necessary for the department of health to carry out the duties under this chapter.

**NEW SECTION. Sec. 11.** The department of health, the department of agriculture,

and the liquor and cannabis board may not refuse to perform any duty under this chapter on the basis that manufacturing, distributing, dispensing, possessing, or using psilocybin products is prohibited by federal law.

**NEW SECTION. Sec. 12.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 13.** Sections 1 through 5 and 7 through 11 of this act constitute a new chapter in Title 18 RCW.

**NEW SECTION. Sec. 14.** Sections 4 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Bronoske; Davis; Graham; Macri; Maycumber; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Harris.

MINORITY recommendation: Without recommendation. Signed by Representatives Hutchins, Assistant Ranking Minority Member; Barnard; and Mosbrucker.

Referred to Committee on Appropriations

March 28, 2023

ESSB 5267

Prime Sponsor, Labor & Commerce: Safeguarding the public safety by protecting railroad workers. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that railroad employees are susceptible to illness and infectious diseases from working in confined spaces, as well as the illnesses and injuries that affect the general population, yet have no protections for unpaid leave, and may be subjected to discipline and termination for unpaid absences from duty due to illnesses and injuries of themselves and their family members.

The legislature further finds that railroad employees may report to work while ill to avoid disciplinary action by railroad companies, pursuant to their corporate attendance and availability policies.

Furthermore, the legislature finds that the unique operational practices utilized to summon railroad crew employees to duty necessitate state protections for short-term unpaid absences by railroad workers. The job

security protections extended by this act for unpaid leave are minimal in contrast to the greater rights and benefits of most employees in this state.

Therefore, the legislature enacts this chapter in the interest of public health and infectious disease control, for protection of public safety, the prevention of environmental harm, and to reduce railroad operational risks across the state.

The provisions of this chapter are enacted in the exercise of the police power of the state for the purpose of protecting the immediate and future health, safety, and welfare of the people of this state.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) The following terms have the same meaning as provided in RCW 50A.05.010: "Child," "family leave," "family member," "health care provider," "medical leave," "period of incapacity," "serious health condition," and "spouse."

(2) "Department" means the department of labor and industries.

(3) "Director" means the director of the department of labor and industries, or the director's authorized representative.

(4) "Employee" means a person who has been employed by a railroad carrier.

(5) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity, including any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision, which engages in business as a railroad carrier.

(6) "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions except benefits that are provided by a practice or written policy of an employer or through an employee benefit plan as defined in 29 U.S.C. Sec. 1002(3).

(7) "Intermittent leave" is leave taken in separate blocks of time due to a single qualifying reason.

(8) "Operating craft employee" means any employee of a railroad carrier who performs service in an operating craft on a railroad or directs the work of an operating craft employee as a scheduled employee, and includes any other employee of a railroad carrier who performs safety sensitive tasks associated with railroad operations.

(9) "Other railroad carrier" means a railroad company that is designated as a class III carrier by the surface transportation board and:

(a) Is not owned or operated in whole or part by, or as a subsidiary of, any class I or class II carrier; or

(b) Is not owned, operated, and managed directly by a governmental entity employing 25 or more railroad employees; or

(c) Is not owned or operated by a railroad holding company with annual

combined operating revenue from all railroad sources that meets or exceeds the current class II railroad designation threshold as determined by the surface transportation board.

(10) "Railroad carrier" means any employer subject to the jurisdiction of the surface transportation board under 49 U.S.C. Sec. 1301 through 1326, as it exists on the effective date of this section. "Railroad carrier" includes the officers and agents of the railroad operations regardless of physical location. "Railroad carrier" does not include other railroad carriers.

(11) "Unpaid" means a period of leave undertaken without receiving payment of lost wages from an employing railroad company.

**NEW SECTION. Sec. 3.** The department shall administer the provisions of this chapter.

**NEW SECTION. Sec. 4.** (1) No railroad carrier may dismiss, suspend, lay off, demote, engage in any adverse action against, or otherwise discipline an employee for unpaid absences pursuant to the provisions of this section if:

(a) The employee has completed three consecutive months of continuous employment by the railroad carrier prior to the absence;

(b) No consecutive period of unpaid absence pursuant to the provisions of this section exceeds 15 days;

(c) The total number of unpaid absences the employee has taken pursuant to the provisions of this section, including railroad employer paid sick leave, is less than 91 days in the current calendar year; and

(d) The unpaid absence is taken pursuant to subsection (2) of this section.

(2) An employee's unpaid absence under this section is due to any of the following reasons:

(a) An absence resulting from an employee's mental or physical illness, injury, or health condition including fatigue; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

(b) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; and

(c) When the employee or their spouse or registered domestic partner's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason.

(3) An employer may permit employees to use any accrued leave, including vacation time or personal leave, while absent pursuant to the provisions of this section. An employer may not require an employee to

use paid leave while absent pursuant to the provisions of this section.

(4) For employee absences under this section exceeding five consecutive days, the employer may, within 10 days of the employee's return to work, request verification that the employee's unpaid absence was for a specific purpose pursuant to this section.

(a) If verification is requested by an employer, the employer must provide the employee no fewer than 30 days to obtain and provide any requested verification. An employer's requirements for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

(b) If an employer requires an employee to provide verification from a health care provider identifying the need for use of their unpaid leave for a specific purpose pursuant to this section, the employer must not require that the information provided explain the nature of the condition. If the employer obtains any health information about an employee or an employee's family member, the employer must treat such information in a confidential manner consistent with applicable privacy laws.

(5) Any employee absences pursuant to this section are not subject to any type of carrier availability or attendance policy and are separate from any protected leave under Title 50A RCW.

**NEW SECTION. Sec. 5.** (1) It is unlawful for any employer to:

(a) Interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this chapter; or

(b) Discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this chapter.

(2) It is unlawful for any person to discharge or in any other manner discriminate against any individual because the individual has:

(a) Filed any complaint or charge, or has instituted or caused to be instituted any proceeding, under or related to this chapter;

(b) Given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this chapter; or

(c) Testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this chapter.

**NEW SECTION. Sec. 6.** (1)(a) Upon receipt of a complaint by an employee of a railroad carrier, the department shall investigate to determine if there has been noncompliance with this chapter and related rules and issue either a citation and notice of assessment or a closure letter within 90 days after the date on which the department received the complaint, unless the complaint is otherwise resolved. The department may extend the period by providing advance written notice to the employee and the employer setting forth good cause for an

extension of the period, and specifying the duration of the extension.

(b) The department shall send the citation and notice of assessment or the closure letter to both the employer and the employee by service of process or using a method by which the mailing can be tracked or the delivery can be confirmed to their last known addresses.

(c) If the department's investigation finds that the employee's allegation cannot be substantiated, the department shall issue a closure letter to the employee and the employer detailing such finding.

(2)(a) If the department's investigation finds that a railroad carrier violated this chapter or related rules, the department may order the employer to pay the department a civil penalty. Civil penalties may be assessed as follows:

(i) For a class I carrier, any class II carrier owned by a class I carrier, and any class III carrier subject to this chapter, up to \$5,000 for the first violation, up to \$25,000 for the second violation within a three-year period following any previous violation, and up to \$100,000 for the third or subsequent violation within a three-year period following any previous violation;

(ii) For a class II carrier, up to \$1,000 for the first violation, up to \$5,000 for the second violation within a three-year period following any previous violation, and up to \$10,000 for the third or subsequent violation within a three-year period following any previous violation.

(b) The department may, at any time, waive or reduce any civil penalty assessed against an employer under this section if the department determines that the employer has taken corrective action to remedy the retaliatory action.

(3) The director may also order other remedies such as back pay and reinstatement, and may increase the fines by rule based on changing economic conditions.

(4) The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033.

(5)(a) The administrative remedies established in this chapter apply to complaints alleging violations that occurred on or after the effective date of this act.

(b) A complaint alleging a violation of this chapter may be filed within two years from the date of the last event constituting a violation.

**NEW SECTION. Sec. 7.** (1) A person, firm, or corporation aggrieved by a citation and notice of assessment by the department under this chapter, or any rules adopted under this chapter, may appeal the citation and notice of assessment to the director by filing a notice of appeal with the director within 30 days of the department's issuance of the citation and notice of assessment. A citation and notice of assessment not appealed within 30 days is final and binding, and not subject to further appeal.

(2) A notice of appeal filed with the director under this section shall stay the effectiveness of the citation and notice of assessment pending final review of the

appeal by the director as provided for in chapter 34.05 RCW.

(3) Upon receipt of a notice of appeal, the director shall assign the hearing to an administrative law judge of the office of administrative hearings to conduct the hearing and issue an initial order. The hearing and review procedures shall be conducted in accordance with chapter 34.05 RCW, and the standard of review by the administrative law judge of an appealed citation and notice of assessment shall be de novo. Any party who seeks to challenge an initial order shall file a petition for administrative review with the director within 30 days after service of the initial order. The director shall conduct an administrative review in accordance with chapter 34.05 RCW.

(4) The director shall issue all final orders after appeal of the initial order. The final order of the director is subject to judicial review in accordance with chapter 34.05 RCW.

(5) Orders that are not appealed within the time period specified in this section and chapter 34.05 RCW are final and binding, and not subject to further appeal.

(6) An employer who fails to allow adequate inspection of records in an investigation by the department under this chapter within a reasonable time period may not use such records in any appeal under this section to challenge the correctness of any determination by the department of the penalty assessed.

NEW SECTION. **Sec. 8.** If any person fails to pay an assessment under this chapter, or under any rule under this chapter, after it has become a final and unappealable order, or after the court has entered final judgment in favor of the agency, the director may initiate collection procedures in accordance with section 9 of this act.

NEW SECTION. **Sec. 9.** (1) After a final order is issued under this chapter, or any rules under this chapter, if an employer defaults in the payment of: (a) Any amount determined by the department to be owed to an employee, including interest; or (b) any civil penalty ordered by the department under this chapter, or any rules under this chapter, the director may file with the clerk of any county within the state a warrant in the amount of the payment plus any filing fees. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the employer mentioned in the warrant, the amount of payment due on it plus any filing fees, and the date when the warrant was filed. The aggregate amount of the warrant as docketed becomes a lien upon the title to, and interest in, all real and personal property of the employer against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of the clerk. The sheriff shall proceed upon the warrant in all respects and

with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in a court of competent jurisdiction. The warrant so docketed is sufficient to support the issuance of writs of garnishment in favor of the state in a manner provided by law in case of judgment, wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee which shall be added to the amount of the warrant. A copy of the warrant shall be mailed to the employer within three days of filing with the clerk.

(2)(a) The director may issue to any person, firm, corporation, other entity, municipal corporation, political subdivision of the state, a public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind when they have reason to believe that there is in the possession of the person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is or will become due, owing, or belonging to an employer upon whom a notice of assessment has been served by the department for payments or civil penalties due to the department. The effect of a notice and order is continuous from the date the notice and order is first made until the liability out of which the notice and order arose is satisfied or becomes unenforceable because of lapse of time. The department shall release the notice and order when the liability out of which the notice and order arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order was made that the notice and order has been released.

(b) The notice and order to withhold and deliver must be served by the sheriff of the county or by the sheriff's deputy, by certified mail, return receipt requested, or by the director. A person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within 20 days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order. Upon service of the notice and order, if the party served possesses any property that may be subject to the claim of the department, the party shall promptly deliver the property to the director. The director shall hold the property in trust for application on the employer's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review. In the alternative, the party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. If a party served and named in the notice fails to answer the notice within the time prescribed in this section, the court may render judgment by default against the party for the full amount claimed by the director in the notice, together with costs. If a notice is served upon an employer and the property



subject to the notice is wages, the employer may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the wage earner is entitled.

(c) As an alternative to the methods of service described in this section, the department may electronically serve a financial institution with a notice and order to withhold and deliver by providing a list of its outstanding warrants, except those for which a payment agreement is in good standing, to the department of revenue. The department of revenue may include the warrants provided by the department in a notice and order to withhold and deliver served under RCW 82.32.235(3). A financial institution that is served with a notice and order to withhold and deliver under this subsection (2)(c) must answer the notice within the time period applicable to service under RCW 82.32.235(3). The department and the department of revenue may adopt rules to implement this subsection (2)(c).

(3) In addition to the procedure for collection of amounts owed, including interest, and civil penalties as set forth in this section, the department may recover amounts owed, including interest, and civil penalties assessed under this chapter, and any rules under this chapter, in a civil action brought in a court of competent jurisdiction of the county where the violation is alleged to have occurred.

(4) Whenever any employer quits business, sells out, exchanges, or otherwise disposes of the employer's business or stock of goods, any person who becomes a successor to the business becomes liable for the full amount of any outstanding citation and notice of assessment or penalty against the employer's business under this chapter if, at the time of the conveyance of the business, the successor has: (a) Actual knowledge of the fact and amount of the outstanding citation and notice of assessment; or (b) a prompt, reasonable, and effective means of accessing and verifying the fact and amount of the outstanding citation and notice of assessment from the department. If the citation and notice of assessment or penalty is not paid in full by the employer within 10 days of the date of the sale, exchange, or disposal, the successor is liable for the payment of the full amount of the citation and notice of assessment or penalty, and payment thereof by the successor must, to the extent thereof, be deemed a payment upon the purchase price. If the payment is greater in amount than the purchase price, the amount of the difference becomes a debt due to the successor from the employer.

(5) This section does not affect other collection remedies that are otherwise provided by law.

**NEW SECTION. Sec. 10.** Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees and applicants for employment are customarily posted, a notice, to be prepared or approved by the director, setting forth excerpts from, or summaries of, the pertinent provisions of this chapter and information pertaining to the filing of

a charge. Any employer that willfully violates this section may be subject to a civil penalty of not more than \$1,000 for each separate offense. Any penalties collected by the department under this section shall be deposited into the supplemental pension fund established under RCW 51.44.033.

**NEW SECTION. Sec. 11.** Nothing in this chapter shall be construed:

(1) To modify or affect any state or local law prohibiting discrimination on the basis of race, religion, color, national origin, sex, sexual orientation, gender identity, age, or disability; or

(2) To supersede any provision of any local law that provides greater family or medical leave rights than the rights established under this chapter.

**NEW SECTION. Sec. 12.** Nothing in this chapter diminishes the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established under this chapter. The rights established for employees under this chapter may not be diminished by any collective bargaining agreement or any employment benefit program or plan.

**NEW SECTION. Sec. 13.** Nothing in this chapter shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies that comply with the requirements under this chapter.

**NEW SECTION. Sec. 14.** The director may adopt rules as necessary to implement this chapter.

**NEW SECTION. Sec. 15.** This act may be known and cited as the Shahraim C. Allen safe leave act for Washington railroad workers.

**NEW SECTION. Sec. 16.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 17.** Sections 1 through 15 of this act constitute a new chapter in Title 49 RCW.

**NEW SECTION. Sec. 18.** Except for sections 6 through 10 of this act, which take effect January 1, 2024, 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.

Signed by Representatives Berry, Chair; Fosse, Vice Chair; Bronoske; Doglio; Ormsby and Ortiz-Self.

MINORITY recommendation: Do not pass. Signed by Representatives Robertson, Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; and Connors.

Referred to Committee on Rules for second reading

March 28, 2023

**SSB 5300**

Prime Sponsor, Health & Long Term Care: Concerning continuity of coverage for prescription drugs prescribed for the treatment of behavioral health conditions. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 48.43 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, for health plans that include prescription drug coverage issued or renewed on or after January 1, 2025, a health carrier or its health care benefit manager may not require the substitution of a nonpreferred drug with a preferred drug in a given therapeutic class, or increase an enrollee's cost-sharing obligation mid-plan year for the drug, if the prescription is for a refill of an antipsychotic, antidepressant, antiepileptic, or other drug prescribed to the enrollee to treat a serious mental illness, the enrollee is medically stable on the drug, and a participating provider continues to prescribe the drug.

(2) Nothing in this section prohibits:

(a) The carrier from requiring generic substitution during the current plan year;

(b) The carrier from adding new drugs to its formulary during the current plan year;

(c) The carrier from removing a drug from its formulary for reasons of patient safety concerns, drug recall or removal from the market, or medical evidence indicating no therapeutic effect of the drug; or

(d) A participating provider from prescribing a different drug that is covered by the plan and medically appropriate for the enrollee.

(3) For the purposes of this section:

(a) "Refill" means a second or subsequent filling of a previously issued prescription.

(b) "Serious mental illness" means a mental disorder, as defined in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association, that results in serious functional impairment that substantially interferes with or limits one or more major life activities.

**Sec. 2.** RCW 69.41.190 and 2011 1st sp.s. c 15 s 80 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, any pharmacist filling a prescription under a state purchased health care program as defined in RCW 41.05.011(~~(+2)~~) shall substitute, where identified, a preferred drug for any nonpreferred drug in a given therapeutic class, unless the endorsing practitioner has indicated on the prescription that the nonpreferred drug must be dispensed as written, or the prescription is for a refill of an antipsychotic, antidepressant, antiepileptic, or other drug prescribed to the patient to treat a serious mental illness, chemotherapy, antiretroviral, or immunosuppressive drug, or for the refill of an immunomodulator/antiviral treatment for hepatitis C for which an established, fixed duration of therapy is prescribed for at least ~~((twenty-four))~~24 weeks but no more than ~~((forty-eight))~~48 weeks, in which case the pharmacist shall dispense the prescribed nonpreferred drug.

(b) When a substitution is made under (a) of this subsection, the dispensing pharmacist shall notify the prescribing practitioner of the specific drug and dose dispensed.

(2)(a) A state purchased health care program may impose limited restrictions on an endorsing practitioner's authority to write a prescription to dispense as written only under the following circumstances:

(i) There is statistical or clear data demonstrating the endorsing practitioner's frequency of prescribing dispensed as written for nonpreferred drugs varies significantly from the prescribing patterns of his or her peers;

(ii) The medical director of a state purchased health program has: (A) Presented the endorsing practitioner with data that indicates the endorsing practitioner's prescribing patterns vary significantly from his or her peers, (B) provided the endorsing practitioner an opportunity to explain the variation in his or her prescribing patterns to those of his or her peers, and (C) if the variation in prescribing patterns cannot be explained, provided the endorsing practitioner sufficient time to change his or her prescribing patterns to align with those of his or her peers; and

(iii) The restrictions imposed under (a) of this subsection (2) must be limited to the extent possible to reduce variation in prescribing patterns and shall remain in effect only until such time as the endorsing practitioner can demonstrate a reduction in variation in line with his or her peers.

(b) A state purchased health care program may immediately designate an available, less expensive, equally effective generic product in a previously reviewed drug class as a preferred drug, without first submitting the product to review by the pharmacy and therapeutics committee established pursuant to RCW 70.14.050.

(c) For a patient's first course of treatment within a therapeutic class of drugs, a state purchased health care program may impose limited restrictions on endorsing practitioners' authority to write a prescription to dispense as written, only under the following circumstances:

(i) There is a less expensive, equally effective therapeutic alternative generic product available to treat the condition;

(ii) The drug use review board established under WAC 388-530-4000 reviews and provides recommendations as to the appropriateness of the limitation;

(iii) Notwithstanding the limitation set forth in (c)(ii) of this subsection (2), the endorsing practitioner shall have an opportunity to request as medically necessary, that the brand name drug be prescribed as the first course of treatment;

(iv) The state purchased health care program may provide, where available, prescription, emergency room, diagnosis, and hospitalization history with the endorsing practitioner; and

(v) Specifically for antipsychotic restrictions, the state purchased health care program shall effectively guide good practice without interfering with the timeliness of clinical decision making. Health care authority prior authorization programs must provide for responses within ~~((twenty-four))~~ 24 hours and at least a ~~((seventy-two))~~ 72 hour emergency supply of the requested drug.

(d) If, within a therapeutic class, there is an equally effective therapeutic alternative over-the-counter drug available, a state purchased health care program may designate the over-the-counter drug as the preferred drug.

(e) A state purchased health care program may impose limited restrictions on endorsing practitioners' authority to prescribe pharmaceuticals to be dispensed as written for a purpose outside the scope of their approved labels only under the following circumstances:

(i) There is a less expensive, equally effective on-label product available to treat the condition;

(ii) The drug use review board established under WAC 388-530-4000 reviews and provides recommendations as to the appropriateness of the limitation; and

(iii) Notwithstanding the limitation set forth in (e)(ii) of this subsection (2), the endorsing practitioner shall have an opportunity to request as medically necessary, that the drug be prescribed for a covered off-label purpose.

(f) The provisions of this subsection related to the definition of medically necessary, prior authorization procedures and patient appeal rights shall be implemented in a manner consistent with applicable federal and state law.

(3) Notwithstanding the limitations in subsection (2) of this section, for refills for an antipsychotic, antidepressant, antiepileptic, or other drug prescribed to the patient to treat a serious mental illness, chemotherapy, antiretroviral, or immunosuppressive drug, or for the refill of an immunomodulator antiviral treatment for hepatitis C for which an established, fixed duration of therapy is prescribed for at least ~~((twenty-four))~~ 24 weeks by no more than ~~((forty-eight))~~ 48 weeks, the pharmacist shall dispense the prescribed nonpreferred drug.

(4) For the purposes of this section, "serious mental illness" means a mental

disorder, as defined in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association, that results in serious functional impairment that substantially interferes with or limits one or more major life activities.

NEW SECTION. Sec. 3. Section 2 of this act takes effect January 1, 2025."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Bronoske; Davis; Graham; Harris; Macri; Maycumber; Mosbrucker; Orwall; Simmons; Stonier; Thai and Tharinger.

Referred to Committee on Rules for second reading

March 28, 2023

ESB 5352

Prime Sponsor, Senator Lovick: Concerning vehicular pursuits. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 10.116.060 and 2021 c 320 s 7 are each amended to read as follows:

(1) A peace officer may not engage in a vehicular pursuit, unless:

(a) ~~((+))~~ There is ~~((probable cause))~~ reasonable suspicion to believe that a person in the vehicle has committed or is committing ~~((a))~~;

(i) A violent offense ~~((e))~~ as defined in RCW 9.94A.030;

(ii) A sex offense as defined in RCW 9.94A.030 ~~((or an))~~;

(iii) A vehicular assault offense under RCW 46.61.522;

(iv) An assault in the first, second, third, or fourth degree offense under chapter 9A.36 RCW only if the assault involves domestic violence as defined in RCW 10.99.020;

(v) An escape under chapter 9A.76 RCW; or ~~((ii) There is reasonable suspicion a person in the vehicle has committed or is committing a))~~ (vi) A driving under the influence offense under RCW 46.61.502;

(b) The pursuit is necessary for the purpose of identifying or apprehending the person;

(c) The person poses ~~((an imminent threat to the safety of))~~ a serious risk of harm to others and the safety risks of failing to apprehend or identify the person are considered to be greater than the safety risks of the vehicular pursuit under the circumstances; and

(d) (i) Except as provided in (d)(ii) of this subsection, the ~~((officer has received authorization to engage in the pursuit from))~~ pursuing officer notifies a supervising officer ~~((and))~~ immediately upon initiating the vehicular pursuit; there is supervisory ~~((control))~~ oversight of the pursuit ~~((The))~~; and the pursuing officer, in consultation with the supervising officer

~~((must consider)), considers alternatives to the vehicular pursuit ((The supervisor must consider)), the justification for the vehicular pursuit and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle ((, and the vehicular pursuit must be terminated if any of the requirements of this subsection are not met));~~

(ii) For those jurisdictions with fewer than ~~((10))~~<sup>15</sup> commissioned officers, if a supervisor is not on duty at the time, the pursuing officer ~~((will request))~~ requests the on-call supervisor be notified of the pursuit according to the agency's procedures ~~((The)), and the pursuing officer ((must consider))~~ considers alternatives to the vehicular pursuit, the justification for the vehicular pursuit, and other safety considerations, including but not limited to speed, weather, traffic, road conditions, and the known presence of minors in the vehicle. ~~((The officer must terminate the vehicular pursuit if any of the requirements of this subsection are not met.))~~

(2) ~~((A pursuing))~~ In any vehicular pursuit under this section:

(a) The pursuing officer and the supervising officer, if applicable, shall comply with any agency procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to participate in the vehicular pursuit ~~((and comply));~~

(b) The supervising officer, the pursuing officer, or dispatcher shall notify other law enforcement agencies or surrounding jurisdictions that may be impacted by the vehicular pursuit or called upon to assist with the vehicular pursuit, and the pursuing officer and the supervising officer, if applicable, shall comply with any agency procedures for coordinating operations with other jurisdictions, including available tribal police departments when applicable;

(c) The pursuing officer must be able to directly communicate with other officers engaging in the pursuit, the supervising officer, if applicable, and the dispatch agency, such as being on a common radio channel or having other direct means of communication;

(d) As soon as practicable after initiating a vehicular pursuit, the pursuing officer, supervising officer, if applicable, or responsible agency shall develop a plan to end the pursuit through the use of available pursuit intervention options, such as the use of the pursuit intervention technique, deployment of spike strips or other tire deflation devices, or other department authorized pursuit intervention tactics; and

(e) The pursuing officer must have completed an emergency vehicle operator's course, must have completed updated emergency vehicle operator training in the previous two years, where applicable, and must be certified in at least one pursuit intervention option. Emergency vehicle operator training must include training on performing the risk assessment analysis described in subsection (1)(c) of this section.

(3) A vehicle pursuit not meeting the requirements under this section must be terminated.

~~((3))~~ (4) A peace officer may not fire a weapon upon a moving vehicle unless necessary to protect against an imminent threat of serious physical harm resulting from the operator's or a passenger's use of a deadly weapon. For the purposes of this subsection, a vehicle is not considered a deadly weapon unless the operator is using the vehicle as a deadly weapon and no other reasonable means to avoid potential serious harm are immediately available to the officer.

~~((4))~~ (5) For purposes of this section, "vehicular pursuit" means an attempt by a uniformed peace officer in a vehicle equipped with emergency lights and a siren to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the officer is signaling the operator to stop the vehicle and the operator of the moving vehicle appears to be willfully resisting or ignoring the officer's attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or the officer.

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.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representative Farivar.

MINORITY recommendation: Without recommendation. Signed by Representative Graham.

Referred to Committee on Rules for second reading

March 28, 2023

ESB 5355

Prime Sponsor, Senator Wilson, C.: Mandating instruction on sex trafficking prevention and identification for students in grades seven through 12. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that:

(1) The United States has the second largest concentration of past and current trafficking victims, and Washington state is currently the sixth largest epicenter of sex trafficking in the United States.

(2) More than 45 percent of all sex trafficking victims are minors and attending our nation's schools every day.

(3) Currently, most trafficking avoids detection, with one study from the national institute of justice finding that "fewer than half of all suspected traffickers in the United States had been arrested." Recent national institute of justice supported research reveals that labor and sex trafficking data appearing in the federal bureau of investigation's national uniform crime reporting program may significantly understate the extent of trafficking crimes in the United States.

(4) The undefined nature of human trafficking contributes to widespread ignorance for public agencies in a position to address the crime. Sixty percent of state and local prosecutors nationwide "do not consider trafficking a problem in their jurisdictions," and over 70 percent of local, state, and county law enforcement agencies wrongly "view human trafficking as rare or nonexistent" in their local communities.

(5) Nearly half of prosecutors and law enforcement agencies across the country are unaware of specific existing antitrafficking laws or definitions that constitute acts of human trafficking, which manifests in current ineffective mitigation strategies.

(6) Child sex trafficking survivors are disproportionately girls of color. In King county, 52 percent of all child sex trafficking victims are black and 84 percent of youth victims are female, while black girls comprise 1.1 percent of the population.

(7) Sex traffickers are not overgeneralized to any demographic but are disproportionately white men. In King county, 80 percent of sex traffickers are white men.

(8) Females of color bear the brunt of prostitution imprisonment as a result of sexual violence in sex trafficking due to mandatory arrests. For example, Latinx women account for nearly 61 percent of juvenile prostitution arrests. By contrast, sex traffickers face little to no consequences for their role in exploitation.

(9) Twenty-five service agencies participated in a 2007 survey. Nineteen of these agencies provided information that aligned with what are understood to be "red-flag" indicators of trafficking situations. Victimization and human trafficking are considerable concerns for eastern Washington, particularly Spokane, and there is a wide spectrum of trafficking activities that include sex slavery, forced prostitution, forced panhandling, farm labor, janitorial work, and domestic servitude.

(10) On any given day, between 300 and 500 people, some as young as 11 years old, are trafficked in the Puget Sound area for labor or sex.

(11) Intersectional, accurate, and actionable sex trafficking education is necessary to enable all students to break down stereotypes of affected parties in sex trafficking and provide them with tools for identifying and combatting this crime.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) Beginning no later than the 2025-26 school year, school districts must offer instruction in sex trafficking awareness and prevention at least once to each student in grades seven through 12. The instruction, at the discretion of the school or school district, may be integrated into a relevant course or a course may be repurposed to include the instruction.

(2) Subject to the availability of amounts appropriated for this specific purpose, on or before June 30, 2024, the office of the superintendent of public instruction must review curricula related to the awareness and prevention of sex trafficking.

(3) To the extent practicable, the office of the superintendent of public instruction must make available in the library of openly licensed courseware under RCW 28A.300.803, curricular resources related to the awareness and prevention of sex trafficking that include:

(a) Information about the race, gender, and socioeconomic status of sex trafficking victims and perpetrators;

(b) Medically and legally accurate definitions of sex trafficking, and information about term stigmatization and how it may reduce reporting and increase the difficulty of detecting and prosecuting sex trafficking crimes;

(c) Information about reporting systems and community engagement opportunities with local, state, or national organizations against sex trafficking, and basic identification training to determine if an individual is at risk of or has been sex trafficked; and

(d) Information to help students recognize the signs and behavior changes in others that may indicate grooming for sex trafficking or other unlawful, coercive relationships.

(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 established under chapter 28A.715 RCW to the same extent as it applies to school districts.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows:

The child sexual abuse and sex trafficking prevention and identification public-private partnership account is created in the custody of the state treasurer. All receipts from gifts, grants, or endowments from public or private sources, federal funds, and any appropriations made by the legislature or other sources must be deposited into the account. Expenditures from the account may be used only for curriculum and professional development to support instruction on child sexual abuse and sex trafficking prevention and identification. Only the superintendent of public instruction or the superintendent's designee may authorize

expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist; Callan; Eslick; Harris; Ortiz-Self; Pollet; Sandlin; Stonier and Timmons.

MINORITY recommendation: Without recommendation.  
Signed by Representatives McClintock; and Steele.

Referred to Committee on Appropriations

March 28, 2023

SB 5363 Prime Sponsor, Senator MacEwen:  
Concerning cannabis retailer advertising.  
Reported by Committee on Regulated  
Substances & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 69.50.369 and 2022 c 16 s 75 are each amended to read as follows:

(1) ~~((No))~~ Except as provided in subsection (11) of this section and consistent with RCW 69.50.331(8)(b), no licensed cannabis producer, processor, researcher, or retailer may place or maintain, or cause to be placed or maintained, any sign or other advertisement for a cannabis business or cannabis product, including useable cannabis, cannabis concentrates, or cannabis-infused product, in any form or through any medium whatsoever within one thousand feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

(2) Except for the use of billboards as authorized under this section, licensed cannabis retailers may not display any signage outside of the licensed premises, other than two signs identifying the retail outlet by the licensee's business or trade name, stating the location of the business, and identifying the nature of the business. Each sign must be ~~((no larger than one thousand six hundred square inches and be))~~ permanently affixed to a building or other structure. The location and content of the retail cannabis signs authorized under this subsection are subject to all other requirements and restrictions established in this section for indoor signs, outdoor signs, and other cannabis-related advertising methods.

(3) A cannabis licensee may not utilize transit advertisements for the purpose of advertising its business or product line. "Transit advertisements" means advertising on or within private or public vehicles and all advertisements placed at, on, or within any bus stop, taxi stand, transportation waiting area, train station, airport, or any similar transit-related location.

(4) A cannabis licensee may not engage in advertising or other marketing practice that specifically targets persons residing outside of the state of Washington.

(5) All signs, billboards, or other print advertising for cannabis businesses or cannabis products must contain text stating that cannabis products may be purchased or possessed only by persons twenty-one years of age or older.

(6) A cannabis licensee may not:

(a) Take any action, directly or indirectly, to target youth in the advertising, promotion, or marketing of cannabis and cannabis products, or take any action the primary purpose of which is to initiate, maintain, or increase the incidence of youth use of cannabis or cannabis products;

(b) Use objects such as toys or inflatables, movie or cartoon characters, or any other depiction or image likely to be appealing to youth, where such objects, images, or depictions indicate an intent to cause youth to become interested in the purchase or consumption of cannabis products; or

(c) Use or employ a commercial mascot outside of, and in proximity to, a licensed cannabis business. A "commercial mascot" means live human being, animal, or mechanical device used for attracting the attention of motorists and passersby so as to make them aware of cannabis products or the presence of a cannabis business. Commercial mascots include, but are not limited to, inflatable tube displays, persons in costume, or wearing, holding, or spinning a sign with a cannabis-related commercial message or image, where the intent is to draw attention to a cannabis business or its products.

(7) A cannabis licensee that engages in outdoor advertising is subject to the advertising requirements and restrictions set forth in this subsection (7) and elsewhere in this chapter.

(a) All outdoor advertising signs, including billboards, are limited to text that identifies the retail outlet by the licensee's business or trade name, states the location of the business, and identifies the type or nature of the business. Such signs may not contain any depictions of cannabis plants, cannabis products, or images that might be appealing to children. The board is granted rule-making authority to regulate the text and images that are permissible on outdoor advertising. Such rule making must be consistent with other administrative rules generally applicable to the advertising of cannabis businesses and products.

(b) Outdoor advertising is prohibited:

(i) On signs and placards in arenas, stadiums, shopping malls, fairs that receive state allocations, farmers markets, and video game arcades, whether any of the foregoing are open air or enclosed, but not including any such sign or placard located in an adult only facility; and

(ii) Billboards that are visible from any street, road, highway, right-of-way, or public parking area are prohibited, except as provided in (c) of this subsection.

(c) Licensed retail outlets may use a billboard or outdoor sign solely for the purpose of identifying the name of the business, the nature of the business, and providing the public with directional information to the licensed retail outlet. Billboard advertising is subject to the same requirements and restrictions as set forth in (a) of this subsection.

(d) Advertising signs within the premises of a retail cannabis business outlet that are visible to the public from outside the premises must meet the signage regulations and requirements applicable to outdoor signs as set forth in this section.

(e) The restrictions and regulations applicable to outdoor advertising under this section are not applicable to:

(i) An advertisement inside a licensed retail establishment that sells cannabis products that is not placed on the inside surface of a window facing outward; or

(ii) An outdoor advertisement at the site of an event to be held at an adult only facility that is placed at such site during the period the facility or enclosed area constitutes an adult only facility, but in no event more than fourteen days before the event, and that does not advertise any cannabis product other than by using a brand name to identify the event.

(8) Merchandising within a retail outlet is not advertising for the purposes of this section.

(9) This section does not apply to a noncommercial message.

(10)(a) The board must:

(i) Adopt rules implementing this section and specifically including provisions regulating the billboards and outdoor signs authorized under this section; and

(ii) Fine a licensee one thousand dollars for each violation of this section until the board adopts rules prescribing penalties for violations of this section. The rules must establish escalating penalties including fines and up to suspension or revocation of a cannabis license for subsequent violations.

(b) Fines collected under this subsection must be deposited into the dedicated cannabis account created under RCW 69.50.530.

(11)(a) A city, town, or county may adopt rules of outdoor advertising by licensed cannabis retailers that ~~((are))~~:

(i) Allow advertising for the retail premises by cannabis retailers that are permitted to be within 1,000 feet of the locations specified in subsection (1) of this section pursuant to RCW 69.50.331(8) (b), not including elementary schools, secondary schools, or playgrounds; or

(ii) Are more restrictive than the advertising restrictions imposed under this chapter.

(b) Enforcement of restrictions to advertising by a city, town, or county is the responsibility of the city, town, or county.

(12) The board may not regulate the size of retail signs, whether indoor or outdoor, and billboards for licensed cannabis retailers. Licensed cannabis retailers are subject to any size requirements for retail signs and billboards of the city, town, or

county in which the licensed cannabis retailer is located. This subsection does not affect the board's rule-making authority regarding any other licensed cannabis retailer advertising requirements under this section or RCW 69.50.342 or 69.50.345."

Correct the title.

Signed by Representatives Kloba, Co-Chair; Wylie, Co-Chair; Stearns, Vice Chair; Chambers, Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Cheney; Orwall; Reeves; Walsh and Waters.

Referred to Committee on Rules for second reading

March 29, 2023

ESSB 5371

Prime Sponsor, Agriculture, Water, Natural Resources & Parks: Protecting southern resident orcas from vessels. Reported by Committee on Agriculture and Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) It is the intent of the legislature to support the recovery of endangered southern resident orcas by reducing underwater noise and disturbance from vessels, which is one of the three main threats to the population's recovery, along with availability of their preferred prey, Chinook salmon, and contaminants in their food and environment.

(2) The state has a compelling interest in protecting the iconic southern resident orca from extinction by acting to implement recovery activities and adaptively managing the southern resident orca recovery effort using best available science.

(3) Governor Inslee's southern resident orca task force produced 49 recommendations to address the three major threats to the population's recovery. While many investments have been made and implementation is ongoing, increased and sustained efforts are needed to advance salmon recovery, address water quality and contaminants in the environment, and reduce underwater noise and physical disturbance of orcas as they attempt to forage, communicate, and rest.

(4) The legislature finds that the threats to orcas are interrelated and they are inexorably linked with salmon recovery. Salmon face a diverse array of threats throughout their life cycle including the threat posed by pinnipeds, such as seals and sea lions, which are protected under federal law, but nevertheless pose a significant threat to salmon and orca recovery through ongoing and excessive predation. Salmon also face fish passage barriers, stormwater runoff, and spills from wastewater treatment plants, among other threats. It is in the best interest of all the people of Washington, including federally recognized tribes and private landowners, to increase the population of salmon and to ensure the survivability of salmon against all threats.

(5) The legislature directed the department of fish and wildlife to produce a

report on the effectiveness of regulations designed to address underwater noise and disturbance from commercial whale watching and recreational vessels. The legislature received the first of three mandated reports in November of 2022, and it contained an assessment of the most recent science demonstrating the negative impact of vessels on southern resident orca foraging behavior and foraging success.

(6) While it takes time to see results from efforts to increase prey availability and reduce contaminants, reducing noise and disturbance from vessels can provide immediate support for the southern resident orcas by increasing their likelihood of successful foraging.

**Sec. 2.** RCW 77.15.740 and 2019 c 291 s 1 are each amended to read as follows:

(1) Except as provided in subsection ~~((2))~~ (3) of this section, it is unlawful for a person to:

(a) Cause a vessel or other object to approach, in any manner, within three hundred yards of a southern resident orca ~~((whale))~~;

(b) Position a vessel to be in the path of a southern resident orca ~~((whale))~~ at any point located within ~~((four hundred))~~ 400 yards of the whale. This includes intercepting a southern resident orca ~~((whale))~~ by positioning a vessel so that the prevailing wind or water current carries the vessel into the path of the whale at any point located within four hundred yards of the whale;

(c) Position a vessel behind a southern resident orca ~~((whale))~~ at any point located within four hundred yards;

(d) Fail to disengage the transmission of a vessel that is within ~~((three hundred))~~ 300 yards of a southern resident orca ~~((whale))~~;

(e) Cause a vessel or other object to exceed a speed greater than seven knots over ground at any point located within ~~((one-half nautical mile (one thousand thirteen yards))~~ 1,000 yards of a southern resident orca ~~((whale))~~; or

(f) Feed a southern resident orca ~~((whale))~~.

(2) Except as provided in section 3 of this act, a voluntary 1,000-yard approach distance around southern resident orcas is established. This is also referred to as a 1,000-yard setback or 1,000-yard avoidance distance, as the intent is to discourage boaters from pursuing on-water viewing or approaching of southern resident orcas.

(3) A person is exempt from subsection (1) of this section if that person is:

(a) Operating a federal government vessel in the course of official duties, or operating a state, tribal, or local government vessel when engaged in official duties involving law enforcement, search and rescue, or public safety;

(b) Operating a vessel in conjunction with a vessel traffic service as a vessel traffic service user established under 33 C.F.R. and following a traffic separation scheme, or complying with a vessel traffic service or captain of the port measure ~~((ef))~~ or direction, or complying with the rules of the road or taking actions to

ensure safety. This also includes ~~((support vessels escorting ships in the traffic lanes))~~ vessel transits departing the lanes for safety reasons or to approach or depart a dock or anchorage area, including support vessels escorting or assisting vessels, such as tug boats;

(c) Engaging in an activity, including scientific research or oil spill response, pursuant to the conditions of a permit or other authorization from the national marine fisheries service ~~((and))~~ or the department;

(d) Lawfully engaging in a treaty Indian or commercial fishery that is actively setting, retrieving, or closely tending fishing gear. Commercial fishing vessels in transit are not exempt from subsection (1) of this section;

(e) Conducting vessel operations necessary to avoid an imminent and serious threat to a person, vessel, or the environment, including when necessary for overall safety of navigation and to comply with state and federal navigation requirements; or

(f) Engaging in rescue or clean-up efforts of a beached southern resident orca ~~((whale))~~ overseen, coordinated, or authorized by a volunteer stranding network.

~~((3))~~ (4) For the purpose of this section, "vessel" includes aircraft while on the surface of the water, and every description of watercraft on the water that is used or capable of being used as a means of transportation on the water. However, "vessel" does not include inner tubes, air mattresses, sailboards, and small rafts, or flotation devices or toys customarily used by swimmers.

~~((4))~~ (5) (a) A violation of this section is a natural resource infraction punishable under chapter 7.84 RCW and carries a fine of five hundred dollars, not including statutory assessments added pursuant to RCW 3.62.090.

(b) A person who qualifies for an exemption under subsection ~~((2))~~ (3) of this section may offer that exemption as an affirmative defense, which that person must prove by a preponderance of the evidence.

~~((5) The enforcement actions required of the department from this section are subject to the availability of amounts appropriated for this specific purpose))~~ (c) The department may choose to offer educational materials in lieu of issuing an infraction, at the officer's discretion.

(6) The department must post signs at public boat launches and marinas that provide information regarding the vessel setbacks and speed limits required by this section. However, the requirements of this section apply whether or not a sign is present and the absence of a sign is not a defense to any violation of this section.

(7) The department shall conduct outreach and education regarding regulations and best practices for recreational boating in waters inhabited by southern resident orcas, including best practices for avoiding or minimizing encounters closer than 1,000 yards from a southern resident orca consistent with the recommendations of the work group established in section 5 of this act. This may include the advancement and proliferation of tools for notifying boaters



of southern resident orca presence, identifying orca ecotypes, and estimating distance on the water.

**NEW SECTION. Sec. 3.** A new section is added to chapter 77.15 RCW to read as follows:

(1) It is unlawful for an operator of a motorized commercial whale watching vessel licensed under RCW 77.65.615 to:

(a) Approach, in any manner, within 1,000 yards of a southern resident orca;

(b) Position a vessel to be in the path of a southern resident orca at any point located within 1,000 yards of the whale. This includes intercepting a southern resident orca by positioning a vessel so that the prevailing wind or water current carries the vessel into the path of the whale at any point located within 1,000 yards of the whale;

(c) Fail to disengage the transmission of a vessel that is within 400 yards of a southern resident orca; or

(d) Cause a vessel or other object to exceed a speed greater than seven knots over ground at any point located within 1,000 yards of a southern resident orca.

(2) If an operator of a motorized commercial whale watching vessel enters within 1,000 yards of a group of southern resident orcas, after taking reasonable measures to determine whether the whales were southern resident orcas, and then identifies the whales as southern resident orcas, the operator must:

(a) Immediately safely reposition the vessel to be 1,000 yards or farther from the southern resident orcas; and

(b) Immediately after repositioning the vessel, report the location of the southern resident orca or orcas to the WhaleReport application for the whale report alert system, or to a successor transboundary notification system designated by the department that is adopted by the international shipping community in the Salish Sea.

**NEW SECTION. Sec. 4.** A new section is added to chapter 77.12 RCW to read as follows:

If the population of southern resident orcas reaches a threshold of 70 individuals or fewer, the department must provide a report to the legislature within one year of the threshold being met, consistent with RCW 43.01.036, that includes a study of how enforcement of implementing mandatory 1,000-yard setbacks for all vessels would be applied, the use of data science with respect to southern resident orca pod health, and evidence-based plans to address southern resident orca pod health.

**NEW SECTION. Sec. 5.** (1) The department of fish and wildlife must convene a diverse work group including, but not limited to, representatives from nongovernmental organizations, recreational boaters, the commercial whale watching industry, commercial fishers, ports and marinas, relevant government entities, tribes, and the southern resident orca

research community to inform the development of outreach and education strategies to implement RCW 77.15.740(5). A report summarizing the work of the work group and the department of fish and wildlife's outreach strategies must be included in the 2024 adaptive management report identified in RCW 77.65.620(5). The department of fish and wildlife must conduct intensive outreach and education in fiscal year 2024 and the first half of 2025 to implement the work group outreach recommendations.

(2) In coordination with the work group established in this section, the department of fish and wildlife must conduct education and outreach to encourage voluntary adoption of the 1,000-yard setback from southern resident orcas established in RCW 77.15.740.

(3) The department of fish and wildlife must assess and report on the effectiveness of the voluntary 1,000-yard setback and recommendations for any further legislative action needed to protect southern resident orcas from the effects of vessels in the 2024 adaptive management report identified in RCW 77.65.620(5).

(4) This section expires June 30, 2025.

**Sec. 6.** RCW 77.65.615 and 2021 c 284 s 1 are each amended to read as follows:

(1) A commercial whale watching business license is required for commercial whale watching businesses. The annual fee for a commercial whale watching business license is ~~((two hundred dollars))~~ \$200 in addition to the annual application fee of ~~((seventy-five dollars))~~ \$70.

(2) The annual ~~((fees))~~ application for a commercial whale watching business license as described in subsection (1) of this section must ~~((include fees for))~~ list each motorized or sailing vessel ~~((or vessels as follows:~~

~~((a) One to twenty-four passengers, three hundred twenty-five dollars;~~

~~((b) Twenty-five to fifty passengers, five hundred twenty-five dollars;~~

~~((c) Fifty-one to one hundred passengers, eight hundred twenty-five dollars;~~

~~((d) One hundred one to one hundred fifty passengers, one thousand eight hundred twenty-five dollars; and~~

~~((e) One hundred fifty-one passengers or greater, two thousand dollars)) to be covered under the business license.~~

(3) The holder of a commercial whale watching business license for motorized or sailing vessels required under subsection (2) of this section may ~~((substitute the vessel designated))~~ designate an additional vessel on the license ~~((, or designate a vessel if none has previously been designated,))~~ if the license holder ~~((:~~

~~((a) Surrenders the previously issued license to the department;~~

~~((b) Submits))~~ submits to the department an application that identifies the ~~((currently designated vessel, the))~~ vessel proposed to be designated ~~((,))~~ and any other information required by the department ~~((, and~~

~~((c) Pays to the department a fee of thirty-five dollars and an application fee of one hundred five dollars)).~~

(4) ~~((Unless the business license holder owns all vessels identified on the~~

~~application described in subsection (3)(b) of this section, the department may not change the vessel designation on the license more than once per calendar year.~~

~~(5))~~ A commercial whale watching operator license is required for commercial whale watching operators. A person may operate a motorized or sailing commercial whale watching vessel designated on a commercial whale watching business license only if:

(a) The person holds a commercial whale watching operator license issued by the director; and

(b) The person is designated as an operator on the underlying commercial whale watching business license.

~~((6))~~ (5) No individual may hold more than one commercial whale watching operator license. An individual who holds an operator license may be designated as an operator on an unlimited number of commercial whale watching business licenses.

~~((7))~~ (6) The annual application fee for a commercial whale watching operator license is ~~((one hundred dollars in addition to an annual application fee of seventy-five dollars))~~ \$25.

~~(7) A paddle tour business license is required for businesses conducting paddle tours. The annual fee for a paddle tour business license is \$200 in addition to the annual application fee of \$70.~~

(8) A person may conduct ~~((commercial whale watching via))~~ guided ~~((kayak))~~ paddle tours only if:

(a) The person holds a ~~((kayak))~~ paddle guide license issued by the director; and

(b) The person is designated as a ~~((kayak))~~ guide on the underlying ~~((commercial whale watching))~~ paddle tour business license.

(9) No individual may hold more than one ~~((kayak))~~ paddle guide license. An individual who holds a ~~((kayak))~~ paddle guide license may be designated on an unlimited number of ~~((commercial whale watching))~~ paddle tour business licenses.

(10) The annual application fee for a ~~((kayak))~~ paddle guide license is \$25 ~~((in addition to an annual application fee of \$25))~~.

(11) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Commercial whale watching" means the act of taking, or offering to take, passengers aboard a motorized or sailing vessel ~~((or guided kayak tour in order))~~ to view marine mammals in their natural habitat for a fee.

(b) "Commercial whale watching business" means a business that engages in the activity of commercial whale watching.

(c) "Commercial whale watching business license" means a department-issued license to operate a commercial whale watching business.

(d) "Commercial whale watching license" means a commercial whale watching business license ~~((r))~~ or a commercial whale watching operator license ~~((r, or a kayak guide license))~~ as defined in this section.

(e) "Commercial whale watching operator" means a person who operates a motorized or

sailing vessel engaged in the business of whale watching.

(f) "Commercial whale watching operator license" means a department-issued license to operate a commercial motorized or sailing vessel on behalf of a commercial whale watching business.

(g) "Commercial whale watching vessel" means any vessel that is being used as a means of transportation for individuals to engage in commercial whale watching.

(h) ~~((kayak))~~ Paddle guide" means a person who conducts guided ~~((kayak))~~ tours on behalf of a ~~((commercial whale watching))~~ paddle tour business.

(i) ~~((kayak))~~ Paddle guide license" means a department-issued license to conduct commercial guided ~~((kayak))~~ paddle tours on behalf of a ~~((commercial whale watching))~~ paddle tour business.

(j) "Paddle tour business" means a business that conducts paddle tours.

(k) "Paddle tour" means the act of guiding or offering to take people aboard nonmotorized or human-powered vessels, such as kayaks or paddle boards, on a trip, tour, or guided lesson that involves viewing marine mammals in their natural habitat for a fee.

(12) The residency and business requirements of RCW 77.65.040 (2) and (3) do not apply to Canadian individuals or corporations applying for and holding Washington commercial whale watching licenses defined in this section.

(13) The license and application fees in this section ((are waived for calendar years 2021 and 2022)) may be waived for organizations whose relevant commercial whale watching or marine paddle tour activities are solely for bona fide nonprofit educational purposes.

**Sec. 7.** RCW 77.15.815 and 2019 c 291 s 4 are each amended to read as follows:

(1) This section applies only to persons and activities defined in RCW 77.65.615, including commercial whale watching and paddle tours.

(2) A person is guilty of unlawfully engaging in commercial whale watching in the second degree if the person conducts commercial whale watching activities and:

(a) Does not have and possess all licenses and permits required under this title; or

(b) Violates any department rule regarding ~~((the operation of a))~~ commercial whale watching ~~((vessel near a southern resident orca whale))~~.

~~((2))~~ (3) A person is guilty of engaging in commercial whale watching in the first degree if the person commits the act described in subsection ~~((1))~~ (2) of this section and the violation occurs within ~~((one year of the date of a prior conviction under this section))~~ five years of any of the following:

(a) The date of a prior conviction under this section;

(b) The date of a finding of guilt or plea of guilty pursuant to an amended information, criminal complaint or citation, or infraction for any violation that was originally charged as a violation of this

section, regardless of whether the imposition of the sentence is deferred or the penalty is suspended; or

(c) The date of any disposition of a case arising from an act originally charged as a violation of this section, whereby the offender enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions.

((3)) (4)(a) Unlawful commercial whale watching in the second degree is a misdemeanor.

(b) Unlawful commercial whale watching in the first degree is a gross misdemeanor. ((Upon conviction)) In addition to the appropriate criminal penalties, the director shall ((deny applications submitted by the person for a commercial whale watching license or alternate operator license for two years from the date of conviction)) revoke any operator license, business license, or both, and order a suspension of the person's privilege to engage in commercial whale watching for two years.

(5) A person is guilty of unlawfully engaging in a paddle tour in the second degree if the person conducts paddle tour activities and:

(a) Does not have and possess all licenses and permits required under this title; or

(b) Violates any department rule regarding the operation of paddle tours in marine waters.

(6) A person is guilty of unlawfully engaging in a paddle tour in the first degree if the person commits an act described in subsection (5) of this section and the violation occurs within five years of the date of any of the following:

(a) The date of a prior conviction under this section;

(b) The date of a finding of guilt or plea of guilty pursuant to an amended information, criminal complaint or citation, or infraction for any violation that was originally charged as a violation of this section, regardless of whether the imposition of sentence is deferred or the penalty is suspended; or

(c) The date of any disposition of a case arising from an act originally charged as a violation of this section, whereby the offender enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms and conditions.

(7)(a) Unlawful engagement in a paddle tour in the second degree is a misdemeanor.

(b) Unlawful engagement in a paddle tour in the first degree is a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke any paddle guide license, business license, or both, and order a suspension of the person's privilege to conduct paddle tours in marine waters for two years."

Correct the title.

Signed by Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Kloba; Kretz; Lekanoff; Schmick and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Assistant Ranking Minority Member; and Orcutt.

Referred to Committee on Appropriations

March 29, 2023

SSB 5388

Prime Sponsor, Health & Long Term Care: Concerning improving diversity in clinical trials. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Controlled clinical trials provide a critical base of evidence for evaluating whether a medical product is safe, effective, and efficacious before the product is approved for marketing. The federal food and drug administration has evaluated demographic profiles of people participating in clinical trials for approved drugs and found that some groups, especially ethnic and racial groups, are generally not well represented in clinical trials;

(b) Communities of color have been working diligently to establish a foundation of trust with government and clinical research with the goal of engaging more trial participants who are members of underrepresented demographic groups;

(c) Joining clinical trials is a difficult and complex process and the lack of trust and awareness of clinical trials and research, in addition to burdens related to transportation, geography, and access, limit trial participants; and

(d) The lack of diversity in clinical trials compounds access to treatment disparities and limits our understanding of the impacts of studied interventions and conditions across the population.

(2) Therefore, the legislature intends to deepen our understanding and knowledge of what communities are underrepresented in clinical trials and the barriers to accessing clinical trials; provide recommendations to increase participation across all populations; and require certain entities conducting clinical trials to offer trial participants information in a language other than English, provide culturally specific recruitment materials alongside general enrollment materials, and provide electronic consent.

**Sec. 2.** RCW 43.348.010 and 2018 c 4 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing board of the endowment.

(2) "Cancer" means a group of diseases involving unregulated cell growth.

(3) "Cancer patient advocacy organizations" means groups with offices in the state that promote cancer prevention and advocate on behalf of cancer patients.

(4) "Cancer research" means advanced and applied research and development relating to the causes, prevention, and diagnosis of cancer and care of cancer patients including the development of tests, genetic analysis, medications, processes, services, and technologies to optimize cancer therapies and their manufacture and commercialization and includes the costs of recruiting scientists and establishing and equipping research facilities.

(5) "Commercial entity" means a for-profit entity located in the state that develops, manufactures, or sells goods or services relating to cancer prevention or care.

(6) "Committee" means an independent expert scientific review and advisory committee established under RCW 43.348.050.

(7) "Contribution agreement" means any agreement authorized under this chapter in which a private entity or a public entity other than the state agrees to provide to the endowment contributions for the purpose of cancer research, prevention, or care.

(8) "Costs" means the costs and expenses associated with the conduct of research, prevention, and care including, but not limited to, the cost of recruiting and compensating personnel, securing and financing facilities and equipment, and conducting clinical trials.

(9) "Department" means the department of commerce.

(10) "Endowment" means the Andy Hill cancer research endowment.

(11) "Fund" means the Andy Hill cancer research fund created in RCW 43.348.060(1)(b).

(12) "Health care delivery system" means hospitals and clinics providing care to patients in the state.

(13) "Life sciences research" means advanced and applied research and development intended to improve human health, including scientific study of the developing brain and human learning and development, and other areas of scientific research and development vital to the state's economy.

(14) "Prevention" means measures to prevent the development and progression of cancer, including education, vaccinations, and screening processes and technologies, and to reduce the risk of cancer.

(15) "Program" means the Andy Hill cancer research endowment program created in RCW 43.348.040.

(16) "Program administrator" means a private nonprofit corporation qualified as a tax-exempt entity under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code, with expertise in conducting or managing research granting activities, funds, or organizations.

(17) "Underrepresented community" or "underrepresented demographic group" means a community or demographic group that is more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex,

sexual orientation, socioeconomic status, age, and geographic location.

**Sec. 3.** RCW 43.348.040 and 2018 c 4 s 4 are each amended to read as follows:

(1) The Andy Hill cancer research endowment program is created. The purpose of the program is to make grants to public and private entities, including commercial entities, to fund or reimburse the entities pursuant to agreement for the promotion of cancer research to be conducted in the state. The endowment is to oversee and guide the program, including the solicitation, selection, and award of grants.

(2) The board must develop a plan for the allocation of projected amounts in the fund, which it must update annually, following at least one annual public hearing. The plan must provide for appropriate funding continuity and take into account the projected speed at which revenues will be available and amounts that can be spent during the plan period.

(3) The endowment must solicit requests for grant funding and evaluate the requests by reference to factors such as: (a) The quality of the proposed research or program; (b) its potential to improve health outcomes of persons with cancer, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular cancer or cancer-related condition or disease; (c) its potential for leveraging additional funding; (d) its potential to provide additional health care benefits or benefit other human diseases or conditions; (e) its potential to stimulate life science, health care, and biomedical employment in the state; (f) the geographic diversity of the grantees within Washington; (g) evidence of potential royalty, sales, or licensing revenue, or other commercialization-related revenue and contractual means to recapture such income for purposes of this chapter; ~~((and))~~ (h) evidence of public and private collaboration; (i) the ability to offer trial participants information in a language other than English; (j) the ability to provide culturally specific recruitment materials alongside general enrollment materials; (k) the ability to provide electronic consent when not prohibited by other granting entities or federal regulations; and (l) other evidence of outreach and engagement to increase participation of underrepresented communities in clinical trials of drugs and medical devices.

(4) The endowment may not award a grant for a proposal that was not recommended by an independent expert scientific review and advisory committee under RCW 43.348.050.

(5) The endowment must issue an annual report to the public that sets forth its activities with respect to the fund, including grants awarded, grant-funded work in progress, research accomplishments, prevention, and care activities, and future program directions with respect to cancer research, prevention, and care. Each annual report regarding activities of the program

and fund must include, but not be limited to, the following: The number and dollar amounts of grants; the grantees for the prior year; the endowment's administrative expenses; an assessment of the availability of funding for cancer research, prevention, and care from sources other than the endowment; a summary of research, prevention, and care-related findings, including promising new areas for investment; and a report on the benefits to Washington of its programs to date.

(6) The endowment's first annual report must include a proposed operating plan for the design, implementation, and administration of an endowment program supporting the purposes of the endowment and program.

(7) The endowment must adopt policies to ensure that all potential conflicts have been disclosed and that all conflicts have been eliminated or mitigated.

(8) The endowment must establish standards to ensure that recipients of grants for cancer research, prevention, or care purchase goods and services from Washington suppliers to the extent reasonably possible.

**NEW SECTION. Sec. 4.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Underrepresented community" or "underrepresented demographic group" means a community or demographic group that is more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, age, and geographic location.

(2) "Review board" means the Washington state institutional review board, established pursuant to 45 C.F.R. Part 46, which is the designated institutional review board for the department of social and health services, the department of health, the department of labor and industries, and other state agencies.

**NEW SECTION. Sec. 5.** Any submissions or proposals submitted to the review board shall include and the review board shall consider the following:

(1) The ability of the agency to offer trial participants information in a language other than English;

(2) The ability of the agency to provide culturally specific recruitment materials alongside general enrollment materials;

(3) The ability to provide electronic consent when not prohibited by the granting entity or federal regulations; and

(4) Any other evidence of outreach and engagement to increase participation of underrepresented communities in clinical trials of drugs and medical devices.

**NEW SECTION. Sec. 6.** Any state entity that receives funding from the national institutes of health to conduct clinical trials of drugs or medical devices shall adopt a policy concerning the identification and recruitment of persons who are members

of underrepresented demographic groups to participate in clinical trials of drugs and medical devices. This policy must include requirements to:

(1) Offer trial participants information in a language other than English;

(2) Provide culturally specific recruitment materials alongside general enrollment materials;

(3) Provide electronic consent when not prohibited by the granting entity or federal regulations; and

(4) Provide other strategies of outreach and engagement to increase participation of underrepresented communities in clinical trials of drugs and medical devices.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28B.20 RCW to read as follows:

(1) If at any time the University of Washington receives funding from the national institutes of health to conduct clinical trials of drugs or medical devices, the University of Washington shall adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials of drugs and medical devices. This policy must include requirements to:

(a) Offer trial participants information in a language other than English;

(b) Provide culturally specific recruitment materials alongside general enrollment materials;

(c) Provide electronic consent when not prohibited by the granting entity or federal regulations; and

(d) Provide other strategies of outreach and engagement to increase participation of underrepresented communities in clinical trials of drugs and medical devices.

(2) For the purposes of this section, "Underrepresented community" or "underrepresented demographic group" means a community or demographic group that is more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, and age.

**NEW SECTION. Sec. 8.** A new section is added to chapter 28B.30 RCW to read as follows:

(1) If at any time Washington State University receives funding from the national institutes of health to conduct clinical trials of drugs or medical devices, Washington State University shall adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials of drugs and medical devices. This policy must include requirements to:

(a) Offer trial participants information in a language other than English;

(b) Provide culturally specific recruitment materials alongside general enrollment materials;

(c) Provide electronic consent when not prohibited by the granting entity or federal regulations; and

(d) Provide other strategies of outreach and engagement to increase participation of underrepresented communities in clinical trials of drugs and medical devices.

(2) "Underrepresented community" or "underrepresented demographic group" means a community or demographic group that is more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, age, and geographic location.

NEW SECTION. **Sec. 9.** A new section is added to chapter 70.41 RCW to read as follows:

(1) Any hospital that receives funding from the national institutes of health to conduct clinical trials of drugs or medical devices shall adopt a policy concerning the identification and recruitment of persons who are members of underrepresented demographic groups to participate in clinical trials of drugs and medical devices. This policy must include requirements to:

(a) Offer trial participants information in a language other than English;

(b) Provide culturally specific recruitment materials alongside general enrollment materials;

(c) Provide electronic consent when not prohibited by the granting entity or federal regulations; and

(d) Provide other strategies of outreach and engagement to increase participation of underrepresented communities in clinical trials of drugs and medical devices.

(2) "Underrepresented community" or "underrepresented demographic group" means a community or demographic group that is more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, age, and geographic location.

NEW SECTION. **Sec. 10.** (1) The department of health, in consultation with the University of Washington, Washington State University, the Andy Hill cancer research endowment, Washington community health boards and initiatives, community-based organizations, and other relevant research organizations, shall analyze and provide recommendations on the following:

(a) What demographic groups and populations are currently represented and underrepresented in clinical trials in Washington, including geographic representation;

(b) Information concerning methods for identifying and recruiting persons who are members of underrepresented demographic groups to participate in clinical trials;

(c) Barriers for persons who are members of underrepresented demographic groups to participate in clinical trials in Washington, including barriers related to transportation;

(d) Approaches for how clinical trials can successfully provide outreach to underrepresented communities and recommendations on what clinical trials

should provide or consider to increase participation in clinical trials; and

(e) A list of appropriate entities that may be able to provide assistance with efforts to increase participation by underrepresented demographic groups in clinical trials.

(2) By December 1, 2023, the department of health shall report to the legislature the results of the analysis and recommendations to increase diversity and reduce barriers for participants in clinical trials.

(3) For purposes of this section, "underrepresented community" or "underrepresented demographic group" means a community or demographic group that is more likely to be historically marginalized and less likely to be included in research and clinical trials represented by race, sex, sexual orientation, socioeconomic status, age, and geographic location.

(4) This section expires December 31, 2023.

NEW SECTION. **Sec. 11.** Sections 4 through 6 of this act constitute a new chapter in Title 69 RCW."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Macri; Maycumber; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Graham; and Harris.

MINORITY recommendation: Without recommendation. Signed by Representatives Hutchins, Assistant Ranking Minority Member; Barnard; and Mosbrucker.

Referred to Committee on Appropriations

March 29, 2023

SSB 5389

Prime Sponsor, Health & Long Term Care:  
Concerning the practice of optometry.  
Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.53.010 and 2015 c 113 s 1 are each amended to read as follows:

(1) The practice of optometry is defined as the examination of the human eye, the examination and ascertaining any defects of the human vision system, and the analysis of the process of vision. The practice of optometry may include, but not necessarily be limited to, the following:

(a) The employment of any objective or subjective means or method, including the use of drugs, for diagnostic and therapeutic purposes by those licensed under this chapter and who meet the requirements of subsections ~~((+2+))~~ (4) and ~~((+3+))~~ (6) of this section, and the use of any diagnostic instruments or devices for the examination or analysis of the human vision system, the

measurement of the powers or range of human vision, or the determination of the refractive powers of the human eye or its functions in general; (~~and~~)

(b) The prescription and fitting of lenses, prisms, therapeutic or refractive contact lenses and the adaptation or adjustment of frames and lenses used in connection therewith; (~~and~~)

(c) The prescription and fitting of contact lenses for the purpose of altering refractive error or to treat eye disease;

(d) The prescription and provision of visual therapy, neuro-optometry rehabilitation, therapeutic aids, subnormal vision therapy, orthoptics, and other optical devices; (~~and~~)

(~~d~~)(e) The ascertainment of the perceptive, neural, muscular, or pathological condition of the visual system; (~~and~~)

(~~e~~)(f) The adaptation of prosthetic eyes;

(g) Ordering necessary diagnostic lab or imaging tests including, but not limited to, finger-stick testing and collecting samples for culturing;

(h) Dispensing of medication samples to initiate treatment is permitted; and

(i) Removal of nonpenetrating foreign bodies by any means, debridement of tissue by any means, epilation of misaligned eyelashes, placement of punctal or lacrimal plugs, including devices containing pharmaceutical agents implanted in the lacrimal system, dilation and irrigation of the lacrimal system, light therapy, and placement of biologic membranes.

(2)(a) The practice of optometry may include the following advanced procedures:

(i) Common complication of the lids, lashes, and lacrimal systems;

(ii) Chalazion management, including injection and excision;

(iii) Injections, including intramuscular injections of epinephrine and subconjunctival and subcutaneous injections of medications;

(iv) Management of lid lesions, including intralesional injection of medications;

(v) Preoperative and postoperative care related to these procedures;

(vi) Use of topical and injectable anesthetics; and

(vii) Eyelid surgery, excluding any cosmetic surgery or surgery requiring the use of general anesthesia.

(b) An optometrist shall not perform any advanced procedures listed in this subsection until he or she receives a license endorsement issued by the optometry board. The board may not issue an endorsement unless the licensed optometrist meets the educational, training, and competence criteria set forth in this section.

(3) The practice of optometry does not include:

(a) Performing retinal laser procedures, laser-assisted in situ keratomileus, photorefractive keratectomy, laser epithelial keratomileusis, or any forms of refractive surgery, other than light adjustable lens procedures;

(b) Penetrating keratoplasty, corneal transplant, or lamellar keratoplasty;

(c) Administering intravenous or general anesthesia;

(d) Performing surgery with general anesthesia;

(e) Providing laser or nonlaser injections into the vitreous chamber of the eye to treat any macular or retinal disease;

(f) Performing surgery related to the removal of the eye from a living human being;

(g) Performing surgery requiring a full thickness incision or excision of the cornea or sclera other than paracentesis in an emergency situation requiring immediate reduction of the pressure inside of the eye;

(h) Performing surgery requiring incision of the iris and ciliary body, including iris diathermy or cryotherapy;

(i) Performing surgery requiring incision of the vitreous or retina;

(j) Performing surgical extraction of the crystalline lens;

(k) Performing surgical intraocular implants;

(l) Performing incisional or excisional surgery of the extraocular muscles;

(m) Performing surgery of the eyelid for malignancies or for incisional cosmetic or mechanical repair of blepharochalasis, ptosis, or tarsorrhaphy;

(n) Performing surgery of the bony orbit, including orbital implants;

(o) Performing incisional or excisional surgery of the lacrimal system other than lacrimal probing or related procedures;

(p) Performing surgery requiring full thickness conjunctivoplasty with graft or flap;

(q) Performing any surgical procedure that does not provide for the correction and relief of ocular abnormalities;

(r) Providing an incision into the eyeball;

(s) Providing sub-tenon, retrobulbar, intraorbital, or botulinum toxin injection; or

(t) Performing pterygium surgery.

(4)(a) Those persons using topical and oral drugs for diagnostic and therapeutic purposes in the practice of optometry shall have a minimum of (~~sixty~~)60 hours of didactic and clinical instruction in general and ocular pharmacology as applied to optometry, as established by the optometry board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to use drugs for diagnostic and therapeutic purposes.

(b) Those persons using or prescribing topical drugs for therapeutic purposes in the practice of optometry must be certified under (a) of this subsection, and must have an additional minimum of (~~seventy-five~~)75 hours of didactic and clinical instruction as established by the optometry board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to use drugs for therapeutic purposes.

(c) Those persons using or prescribing drugs administered orally for diagnostic or therapeutic purposes in the practice of optometry shall be certified under (b) of this subsection, and shall have an additional minimum of ~~((sixteen))~~ 16 hours of didactic and eight hours of supervised clinical instruction as established by the optometry board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board of Washington to administer, dispense, or prescribe oral drugs for diagnostic or therapeutic purposes.

(d) Those persons administering epinephrine by injection for treatment of anaphylactic shock in the practice of optometry must be certified under (b) of this subsection and must have an additional minimum of four hours of didactic and supervised clinical instruction, as established by the optometry board, and certification from an institution of higher learning, accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation to qualify for certification by the optometry board to administer epinephrine by injection.

(e) Such course or courses shall be the fiscal responsibility of the participating and attending optometrist.

(f) ~~((i))~~ All persons receiving their initial license under this chapter on or after January 1, 2007, must be certified under (a), (b), (c), and (d) of this subsection.

~~((ii) All persons licensed under this chapter on or after January 1, 2009, must be certified under (a) and (b) of this subsection.~~

~~((iii) All persons licensed under this chapter on or after January 1, 2011, must be certified under (a), (b), (c), and (d) of this subsection.~~

~~((3))~~ (5) (a) To receive a license endorsement to perform the advanced procedures listed in this section, a licensed optometrist must:

(i) Successfully complete postgraduate courses as designated by the optometry board in collaboration with the medical commission that provide adequate training on those procedures. Any course that is offered by an institution of higher education accredited by those agencies recognized by the United States office of education or the council on postsecondary accreditation and approved by the optometry board to qualify for an endorsement to perform advanced procedures must contain supervised hands-on experience with live patients, or be supplemented by a residency, internship, or other supervised program that offers hands-on experience with live patients;

(ii) Successfully complete a national examination for advanced procedures, including the lasers and surgical procedures examination, injections skill examination, or other equivalent examination as designated by the optometry board; and

(iii) Enter into an agreement with a qualified physician licensed under chapter

18.71 RCW or an osteopathic physician licensed under chapter 18.57 RCW for rapid response if complications occur during an advanced procedure.

(b) Upon completion of the above listed requirements, proof of training shall be submitted to the optometry board for approval. No optometrist may perform the advanced procedures listed in subsection (2) of this section until they have received confirmation of the endorsement in writing.

(6) The optometry board shall establish a list of topical drugs for diagnostic and treatment purposes limited to the practice of optometry, and no person licensed pursuant to this chapter shall prescribe, dispense, purchase, possess, or administer drugs except as authorized and to the extent permitted by the optometry board.

~~((4))~~ (7) The optometry board must establish a list of oral Schedule III through V controlled substances and any oral legend drugs, with the approval of and after consultation with the pharmacy quality assurance commission. The optometry board may include Schedule II hydrocodone combination products consistent with subsection ~~((6))~~ (9) of this section. No person licensed under this chapter may use, prescribe, dispense, purchase, possess, or administer these drugs except as authorized and to the extent permitted by the optometry board. ~~((No optometrist may use, prescribe, dispense, or administer oral corticosteroids))~~ To prescribe oral corticosteroids for more than seven days, an optometrist must consult with a licensed physician.

(a) The optometry board, with the approval of and in consultation with the pharmacy quality assurance commission, must establish, by rule, specific guidelines for the prescription and administration of drugs by optometrists, so that licensed optometrists and persons filling their prescriptions have a clear understanding of which drugs and which dosages or forms are included in the authority granted by this section.

(b) An optometrist may not ~~((+ (i) Prescribe))~~ prescribe, dispense, or administer a controlled substance for more than seven days in treating a particular patient for a single trauma, episode, or condition or for pain associated with or related to the trauma, episode, or condition ~~((+ or (ii) Prescribe an oral drug within ninety days following ophthalmic surgery unless the optometrist consults with the treating ophthalmologist)).~~

~~((ii) Prescribe an oral drug within ninety days following ophthalmic surgery unless the optometrist consults with the treating ophthalmologist)).~~

(c) If treatment exceeding the limitation in (b) ~~((i))~~ of this subsection is indicated, the patient must be referred to a physician licensed under chapter 18.71 RCW.

(d) The prescription or administration of drugs as authorized in this section is specifically limited to those drugs appropriate to treatment of diseases or conditions of the human eye and the adnexa that are within the scope of practice of optometry. The prescription or administration of drugs for any other purpose is not authorized by this section.

~~((5))~~ (8) The optometry board shall develop a means of identification and



verification of optometrists certified to ~~((use therapeutic drugs for the purpose of issuing prescriptions as authorized by this section))~~ perform advanced procedures.

~~((6))~~ (9) Nothing in this chapter may be construed to authorize the use, prescription, dispensing, purchase, possession, or administration of any Schedule I or II controlled substance, except Schedule II hydrocodone combination products. The provisions of this subsection must be strictly construed.

~~((7))~~ With the exception of the administration of epinephrine by injection for the treatment of anaphylactic shock, no injections or infusions may be administered by an optometrist.

~~((8))~~ (10) Nothing in this chapter may be construed to authorize optometrists to perform ophthalmic surgery. Ophthalmic surgery is defined as any invasive procedure in which human tissue is cut, ablated, or otherwise penetrated by incision, injection, laser, ultrasound, or other means, in order to: Treat human eye diseases; alter or correct refractive error; or alter or enhance cosmetic appearance. Nothing in this chapter limits an optometrist's ability to use diagnostic instruments utilizing laser or ultrasound technology. Ophthalmic surgery, as defined in this subsection, does not include the advanced procedures listed in subsection (2)(a) of this section, removal of superficial ocular foreign bodies, epilation of misaligned eyelashes, placement of punctal or lacrimal plugs, diagnostic dilation and irrigation of the lacrimal system, orthokeratology, prescription and fitting of contact lenses with the purpose of altering refractive error, or other similar procedures within the scope of practice of optometry.

(11) In a public health emergency, the state health officer may authorize licensed optometrists to administer inoculations for systemic health reasons.

(12) (a) Any optometrist authorized by the optometry board shall be permitted to purchase diagnostic pharmaceutical agents for use in the practice of optometry. Any optometrist authorized by the optometry board shall be permitted to prescribe therapeutic pharmaceutical agents in the practice of optometry. Optometrists authorized by the optometry board to purchase pharmaceutical agents shall obtain them from licensed wholesalers or pharmacists, using prescriptions or chart orders placed in the same or similar manner as any physician or other practitioner so authorized. Purchases shall be limited to those pharmaceutical agents specified in this section, based upon the authority conferred upon the optometrist by the optometry board consistent with the educational qualifications of the optometrist as established in this section.

(b) Diagnostic and therapeutic pharmaceutical agents are any prescription or nonprescription drug delivered via any route of administration used or prescribed for the diagnosis, treatment, or mitigation of abnormal conditions and pathology of the human eye and its adnexa. Diagnostic and therapeutic pharmaceutical agents do not

include Schedule I and Schedule II drugs, except for hydrocodone combination products.

**Sec. 2.** RCW 18.54.050 and 2011 c 336 s 491 are each amended to read as follows:

The board must meet at least once yearly or more frequently upon call of the chair or the secretary of health at such times and places as the chair or the secretary of health may designate by giving three days' notice or as otherwise required by RCW 42.30.075. A full record of the board's proceedings shall be kept in the office of the board and shall be open to inspection at all reasonable times.

**Sec. 3.** RCW 18.54.070 and 1995 c 198 s 7 are each amended to read as follows:

The board has the following powers and duties:

(1) To develop and administer, or approve, or both, a licensure examination. The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities.

(2) The board shall adopt rules and regulations to promote safety, protection, and the welfare of the public, to carry out the purposes of this chapter, to aid the board in the performance of its powers and duties, and to govern the practice of optometry. The administrative regulations shall include the classification and licensure of optometrists by examination or credentials, retirement of a license, and reinstatement of a license.

(3) The board shall have the authority to provide rule making regarding the allowable procedures and their educational requirements within the confines of this chapter and chapter 18.53 RCW.

(4) The board shall keep a register containing the name, address, license number, email, and phone number of every person licensed to practice optometry in this state to the best of their ability.

**NEW SECTION. Sec. 4.** A new section is added to chapter 18.54 RCW to read as follows:

(1) By December 1, 2026, the board in coordination with the department of health shall collect, analyze, and report on the outcomes of the advanced procedures authorized in RCW 18.53.010. The report should include any complications to patients receiving advanced procedures. The department of health must make this report publicly available on its website.

(2) This section expires August 1, 2027."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Schmick, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Barnard; Graham; Harris; Macri; Maycumber; Mosbrucker; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Without recommendation. Signed by Representatives Bronoske; Davis; and Orwall.

Referred to Committee on Rules for second reading

March 29, 2023

SB 5459

Prime Sponsor, Senator Hunt: Concerning requests for records containing election information. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass. Signed by Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

MINORITY recommendation: Do not pass. Signed by Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; and Low.

Referred to Committee on Rules for second reading

March 28, 2023

ESSB 5466

Prime Sponsor, Transportation: Promoting transit-oriented development. Reported by Committee on Housing

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the state has made groundbreaking investments in state-of-the-art mass transit and intermodal infrastructure. The legislature finds that to maximize the state's return on these investments, land use policies and practices must keep pace with progress being implemented in transportation infrastructure development. The legislature also intends new development to reflect the state's commitment to vibrant, walkable, accessible urban environments that improve health, expand multimodal transportation options, and include varied community facilities, parks, and green spaces that are open to people of all income levels.

The legislature recognizes that cities planning under chapter 36.70A RCW require direction and technical assistance to ensure the benefits of state transportation investments are maximized and shared equitably while avoiding unnecessary programmatic and cost burdens to local governments in their comprehensive planning, code enactment, and permit processing workloads. The legislature further recognizes that regulatory flexibility and local control are also important features of optimal planning outcomes.

**NEW SECTION. Sec. 2.** A new section is added to chapter 47.01 RCW to read as follows:

(1) The department must create a new division within its agency or expand an existing division within its agency to mediate or help resolve disputes between the department, local governments, and project proponents regarding land use decisions and processing development permit applications.

(2) The department must adopt any rules necessary to implement this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The department, in consultation with the department of transportation, must establish and administer a competitive grant program to assist in the financing of housing projects within station areas.

(2) Entities eligible to receive grant awards are state agencies, local governments, and nonprofit or for-profit housing developers. Eligible uses of grant awards include project capital costs and infrastructure costs and addressing gaps in project financing that would prevent ongoing or complete project construction.

(3) Eligible housing projects must meet the following requirements:

(a) Be within a station area;

(b) Comply with the applicable transit-oriented density;

(c) Produce at least 100 units of rental, shelter, or permanent supportive housing or at least 30 units of owner-occupied housing; and

(d) Include a covenant on the property requiring 100 percent of units remain affordable for at least 50 years for households with incomes at or below 60 percent of area median income for rental, shelter, or permanent supportive housing projects or at or below 80 percent of area median income for homeownership projects.

(4) The department must prioritize eligible projects by occupancy date, with a target occupancy date of December 31, 2025. The department must also consider the following criteria when prioritizing projects:

(a) Have a high concentration of units affordable to households with incomes at or below 50 percent area median income;

(b) Do not include costs related to land acquisition;

(c) Include land acquired at a reduced price or without cost;

(d) Abide by antidisplacement measures, if appropriate;

(e) Submitted by community-based housing developers; or

(f) Include units with additional bedrooms or intended for occupancy by families with multiple dependents.

(5) The department may adopt any necessary rules to implement the competitive grant program under this section, including any additional project eligibility criteria and prioritization criteria.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The transit-oriented development housing partnership account is created in the custody of the state treasurer.

(2) Revenues to the account must consist of appropriations by the legislature and any gifts, grants, donations, or other private contribution received by the director for the purposes set forth in subsection (3) of this section.

(3) Expenditures from the account may be used only for administration of the competitive grant program under section 3 of this act, including any technical assistance

provided by the department to eligible entities.

(4) Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec. 5.** RCW 36.70A.030 and 2021 c 254 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, ~~((sixty))~~ 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, ~~((eighty))~~ 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(3) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(4) "City" means any city or town, including a code city.

(5) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(6) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(7) "Department" means the department of commerce.

(8) "Development regulations" or "regulation" means the controls placed on development or land use activities by a

county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(9) "Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

(10) "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

(11) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below ~~((thirty))~~ 30 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(12) "Floor area ratio" means a measure of transit-oriented development intensity equal to building square footage divided by the developable property square footage. Developable property excludes lots with critical areas or their buffers as designated in RCW 36.70A.060, as well as public facilities including streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

~~((13))~~ (14) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

~~((14))~~ (15) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

~~((15))~~ (16) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

~~((16))~~ (17) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below ~~((eighty))~~ 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((17))~~ (18) "Minerals" include gravel, sand, and valuable metallic substances.

~~((18))~~ (19) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((19))~~ (20) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

~~((20))~~ (21) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

~~((21))~~ (22) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

~~((22))~~ (23) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

~~((23))~~ (24) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

~~((24))~~ (25) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

~~((25))~~ (26) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

~~((26))~~ (27) "Short line railroad" means those railroad lines designated class II or

class III by the United States surface transportation board.

~~((27))~~(28)(a) "Station area" means all parcels that are:

(i) Fully within an urban growth area; and

(ii) Fully or partially within:

(A) One-half mile walking distance of a stop on a high capacity transportation system funded or expanded under chapter 81.104 RCW, a commuter rail stop, or a stop on rail or fixed guideway systems, including transitways; and

(B) One-quarter mile walking distance of a stop on a bus rapid transit route.

(b) For the purposes of this subsection, a "stop" includes any existing stop and any stop funded for development prior to the earlier of a city's deadline to complete its next periodic comprehensive plan update under RCW 36.70A.130(5) or its deadline to complete its next implementation progress report as required by RCW 36.70A.130(9).

(c) A city planning under RCW 36.70A.040 may adopt a station area variance to alter the station area designation, but only after consultation with and approval by the department.

(29) "Transit-oriented density" means a floor area ratio of:

(a) At least 3.0 for all uses that are permitted within one-half mile walking distance of a stop on a high capacity transportation system funded or expanded under chapter 81.104 RCW, a commuter rail stop, or a stop on rail or fixed guideway systems, including transitways; and

(b) At least 2.5 for all uses permitted within one-quarter mile walking distance of a stop on a bus rapid transit route.

(30) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

~~((28))~~(31) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

~~((29))~~(32) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

~~((30))~~(33) "Very low-income household" means a single person, family, or unrelated

persons living together whose adjusted income is at or below (~~(fifty))~~50 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((31))~~(34) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW to read as follows:

(1) Cities planning under RCW 36.70A.040 may not enact or enforce any development regulation within a station area that would prohibit the siting of multifamily residential housing on parcels where any other residential use is permissible.

(2) Within any station area, any building in which all units are affordable housing for households with incomes at or below 60 percent area median income for at least 50 years or for permanent supportive housing, an additional 1.5 floor area ratio must be permitted. Any floor area within a station area that is reserved for residential units in multifamily housing that includes at least three bedrooms must not be counted toward applicable floor area ratio limits. If a city has enacted or expands a program under RCW 36.70A.540 in an area where development regulations must comply with this section, that program governs to the extent it varies from the requirements of this subsection.

(3)(a) Except as provided in (c) of this subsection, cities planning under RCW 36.70A.040 may not enact any new development regulation that imposes a maximum floor area ratio of less than the applicable transit-oriented density for any use otherwise permitted within a station area.

(b) Cities planning under RCW 36.70A.040 may not enact any new development regulation that imposes a maximum residential density, measured in residential units per acre or other metric of land area within a station area.

(c) As an alternative to (a) of this subsection, cities planning under RCW 36.70A.040 may by ordinance designate parts of a station area in which to enact or enforce floor area ratios that are more or

less than the applicable transit-oriented density, if:

(i) The average maximum floor area ratio of all buildable land within a station area is no less than the applicable transit-oriented density. For purposes of this subsection, "buildable land" excludes lots within critical areas or their buffers as designated in RCW 36.70A.170, as well as public facilities including streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, lands occupied by or easements for domestic water systems and storm and sanitary sewer systems, parks and recreational facilities, and schools; and

(ii) No part of a station area is subject to a maximum floor area ratio that is less than 0.5.

(4) Except in zones authorized by June 30, 2023, for a development capacity greater than or equal to the applicable transit-oriented density, at least 20 percent of all residential units constructed within a station area must be affordable to households with an income at or below 60 percent of area median income for at least 50 years.

(5) Any city planning under RCW 36.70A.040 that has, as of the effective date of this section, enacted any development regulation that imposes within any station area (a) a maximum floor area ratio of less than the applicable transit-oriented density or (b) a maximum residential density measured in residential units per acre or other metric of land area, the city must enforce and apply such development regulation consistent with the requirements of this section.

(6) (a) Except as provided in (b) of this subsection, cities planning under RCW 36.70A.040 may not enforce upon any parcel in a station area any development standard that renders it impracticable on that parcel to build a usable structure for the permitted uses at the (i) applicable transit-oriented density or (ii) applicable floor area ratio imposed under subsection (3)(c) of this section.

(b) This subsection (6) does not apply to development standards contained in a shoreline master program or critical area ordinance, or to any parcel that:

(i) Is nonconforming, legally or otherwise, with applicable local subdivision standards including, but not limited to, standards related to lot width, area, geometry, or street access; or

(ii) Is a designated landmark or within a historic district established under a local preservation ordinance.

(7) Any city subject to the requirements of this section may apply to the department for planning grants and consult with the department for purposes of obtaining technical assistance and compliance review with development regulation adoption, pursuant to RCW 36.70A.500(7).

(8) Nothing in this section requires alteration, displacement, or limitation of industrial uses or industrial areas within the urban growth area.

(9) (a) This section does not limit the amount of affordable housing that a city may require to be provided, either on-site or

through an in-lieu payment, pursuant to a program enacted or expanded under RCW 36.70A.540.

(10) A city planning under RCW 36.70A.040 must comply with the requirements of this section, and collaborate with federally recognized tribes in accordance with RCW 36.70A.040(8) regarding such requirements, six months after its next periodic comprehensive plan update required under RCW 36.70A.130, and following the completion or funding of any transit stop that would create a new station area within the jurisdiction, at each implementation progress report required by RCW 36.70A.130(9).

**NEW SECTION. Sec. 7.** A new section is added to chapter 36.70A RCW to read as follows:

(1) (a) The department may approve actions under this section for cities that have, by January 1, 2023, adopted a subarea plan and implementing development regulations that are substantially similar to the requirements of section 6 of this act. In determining whether a city's adopted subarea plan and development regulations are substantially similar, the department's evaluation may include, but not be limited to, if:

(i) The regulations will result in an amount of affordable housing that is at least equivalent to the amount of affordable housing that would result if the specific provisions of section 6 of this act were adopted;

(ii) The jurisdiction offers a way to exceed maximum heights to achieve buildings that exceed 100 feet; and

(iii) New detached single-family residences are prohibited on average within one-quarter mile of light rail stations.

(b) The department must establish by rule any standards or procedures necessary to implement this subsection.

(2) Any local actions approved by the department pursuant to subsection (1) of this section are exempt from appeals under this chapter and chapter 43.21C RCW.

(3) The department's final decision to approve or reject actions by cities under this section may be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.

(4) In reviewing any petition filed pursuant to subsection (3) of this section, the growth management hearings board shall grant substantial deference to the department's finding of substantial compliance as an agency with expertise.

**NEW SECTION. Sec. 8.** A new section is added to chapter 36.70A RCW to read as follows:

(1) By October 1, 2023, the department must develop, or contract for the development of, a statewide displacement risk map that identifies areas where residents and businesses are at a greater risk of displacement. In completing the risk map, the department may build on existing models for displacement risk assessment that are currently in use for the state.

(2) The department must certify an extension from the requirements in section 6 of this act for areas at risk of displacement as determined by the antidisplacement analysis that a jurisdiction is required to complete under RCW 36.70A.070(2) or by the department or a regional planning authority. The extension may be granted until the city and the department agree on an implementation plan for specific antidisplacement policies. In addition to antidisplacement policies, the city may implement alternative floor area ratio requirements in areas deemed at greater risk of displacement under an antidisplacement analysis.

**Sec. 9.** RCW 36.70A.500 and 2012 1st sp.s. c 1 s 310 are each amended to read as follows:

(1) The department of commerce shall provide management services for the growth management planning and environmental review fund created by RCW 36.70A.490. The department shall establish procedures for fund management. The department shall encourage participation in the grant or loan program by other public agencies. The department shall develop the grant or loan criteria, monitor the grant or loan program, and select grant or loan recipients in consultation with state agencies participating in the grant or loan program through the provision of grant or loan funds or technical assistance.

(2) A grant or loan may be awarded to a county or city that is required to or has chosen to plan under RCW 36.70A.040 and that is qualified pursuant to this section. The grant or loan shall be provided to assist a county or city in paying for the cost of preparing an environmental analysis under chapter 43.21C RCW, that is integrated with a comprehensive plan, subarea plan, plan element, countywide planning policy, development regulation, monitoring program, or other planning activity adopted under or implementing this chapter that:

(a) Improves the process for project permit review while maintaining environmental quality; or

(b) Encourages use of plans and information developed for purposes of complying with this chapter to satisfy requirements of other state programs.

(3) In order to qualify for a grant or loan, a county or city shall:

(a) Demonstrate that it will prepare an environmental analysis pursuant to chapter 43.21C RCW and subsection (2) of this section that is integrated with a comprehensive plan, subarea plan, plan element, countywide planning policy, development regulations, monitoring program, or other planning activity adopted under or implementing this chapter;

(b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by applicants for development permits within the geographic area analyzed in the plan;

(c) Demonstrate that procedures for review of development permit applications

will be based on the integrated plans and environmental analysis;

(d) Include mechanisms to monitor the consequences of growth as it occurs in the plan area and to use the resulting data to update the plan, policy, or implementing mechanisms and associated environmental analysis;

(e) Demonstrate substantial progress towards compliance with the requirements of this chapter. A county or city that is more than six months out of compliance with a requirement of this chapter is deemed not to be making substantial progress towards compliance; and

(f) Provide local funding, which may include financial participation by the private sector.

(4) In awarding grants or loans, the department shall give preference to proposals that include one or more of the following elements:

(a) Financial participation by the private sector, or a public/private partnering approach;

(b) Identification and monitoring of system capacities for elements of the built environment, and to the extent appropriate, of the natural environment;

(c) Coordination with state, federal, and tribal governments in project review;

(d) Furtherance of important state objectives related to economic development, protection of areas of statewide significance, and siting of essential public facilities;

(e) Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans and prospective environmental analysis;

(f) Programs for effective citizen and neighborhood involvement that contribute to greater likelihood that planning decisions can be implemented with community support;

(g) Programs to identify environmental impacts and establish mitigation measures that provide effective means to satisfy concurrency requirements and establish project consistency with the plans; or

(h) Environmental review that addresses the impacts of increased density or intensity of comprehensive plans, subarea plans, or receiving areas designated by a city or town under the regional transfer of development rights program in chapter 43.362 RCW.

(5) If the local funding includes funding provided by other state functional planning programs, including open space planning and watershed or basin planning, the functional plan shall be integrated into and be consistent with the comprehensive plan.

(6) State agencies shall work with grant or loan recipients to facilitate state and local project review processes that will implement the projects receiving grants or loans under this section.

(7) (a) Subject to the availability of amounts appropriated to the growth management planning and environmental review fund established in RCW 36.70A.490, the department may:

(i) Award grants to cities to facilitate transit-oriented development consistent with subsection (8) of this section. Cities may use such grants to pay for the costs

associated with the preparation of state environmental policy act environmental impact statements, planned action ordinances, subarea plans, costs associated with the utilization of other tools under this chapter or the state environmental policy act, and the costs of local code adoption and implementation of such efforts; and

(ii) Provide technical assistance and award planning grants to cities to implement the requirements under section 6 of this act and provide compliance review of any transit-oriented development regulations adopted consistent with section 6 of this act.

(b) Grant awards under (a)(i) of this subsection may only fund efforts that address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by applicants for development permits within the geographic area analyzed in the plan.

(8) In consultation with the department of transportation, the department shall prioritize applications for grants under subsection (7)(a)(i) of this section that maximize the following policy objectives in the area covered by a proposal:

(a) The total number of housing units authorized for new development in station areas;

(b) The proximity and quality of transit access in the area. For purposes of this subsection, "transit access" includes walkable access to light rail and other fixed guideway rail systems and bus rapid transit;

(c) Plans that exceed applicable transit-oriented densities for station areas;

(d) Plans that authorize, but do not mandate, ground floor retail with housing above;

(e) Plans in areas that eliminate on-site parking requirements;

(f) Existence or establishment of incentive zoning, inclusionary housing, or other tools to promote low-income housing in the area;

(g) Plans that include dedicated policies to support public or nonprofit funded low-income or workforce housing; and

(h) Plans designed to maximize and increase the variety of allowable housing types and expected sale or rental rates.

**Sec. 10.** RCW 36.70A.620 and 2020 c 173 s 3 are each amended to read as follows:

((In counties and cities planning under RCW 36.70A.040, minimum residential parking requirements mandated by municipal zoning ordinances for housing units constructed after July 1, 2019, are subject to the following requirements:\*

(1) For housing units that are affordable to very low-income or extremely low-income individuals and that are located within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or .75 space per unit. A city may require a

developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for very low-income or extremely low-income individuals. The covenant must address price restrictions and household income limits and policies if the property is converted to a use other than for low-income housing. A city may establish a requirement for the provision of more than one parking space per bedroom or .75 space per unit if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.

(2) For housing units that are specifically for seniors or people with disabilities, that are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, a city may not impose minimum residential parking requirements for the residents of such housing units, subject to the exceptions provided in this subsection. A city may establish parking requirements for staff and visitors of such housing units. A city may establish a requirement for the provision of one or more parking space per bedroom if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit. A city may require a developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for seniors or people with disabilities.

(3) For market rate multifamily housing units that are located within one-quarter mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or .75 space per unit. A city or county may establish a requirement for the provision of more than one parking space per bedroom or .75 space per unit if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.)) (1) To encourage transit-oriented development and transit use and resulting substantial environmental benefits, cities planning under RCW 36.70A.040 may not require off-street parking as a condition of permitting development within a station area, except for off-street parking that is permanently marked for the exclusive use of individuals with disabilities.

(2) If a project permit application within a station area, as defined in RCW 36.70B.020, does not provide parking in compliance with this section, the proposed absence of parking may not be treated as a



basis for issuance of a determination of significance pursuant to chapter 43.21C RCW.

(3) The parking provisions of this section do not apply:

(a) If the city submits to the department an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and the department finds and certifies, that the application of the parking limitations under subsection (1) of this section in a defined area within a station area will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location without increased transit-oriented development and density requirements. The department must develop guidance to assist cities and counties on items to include in the study; or

(b) To portions of cities within a one-mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

**Sec. 11.** RCW 43.21C.229 and 2020 c 87 s 1 are each amended to read as follows:

(1) ~~((In order))~~ The purpose of this section is to provide cities and counties with additional flexibility to accommodate infill development, as well as to facilitate the timely and certain deployment of sustainable transit-oriented development, and thereby realize the goals and policies of comprehensive plans adopted according to chapter 36.70A RCW ~~((, a))~~.

(2) A city or county planning under RCW 36.70A.040 ~~((is authorized by this section to))~~ may establish categorical exemptions from the requirements of this chapter ~~((- An exemption adopted under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a). An exemption may be adopted by a city or county under this section))~~ if it meets the following criteria:

(a) It categorically exempts government action related to development proposed to fill in an urban growth area, designated according to RCW 36.70A.110, where current density and intensity of use in the area is roughly equal to or lower than called for in the goals and policies of the applicable comprehensive plan and the development is either:

(i) Residential development;

(ii) Mixed-use development; or

(iii) Commercial development up to ~~((sixty-five thousand))~~ 65,000 square feet, excluding retail development;

(b) It does not exempt government action related to development that is inconsistent with the applicable comprehensive plan or would clearly exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan;

(c) The local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements

of the comprehensive plan, subarea plan element of the comprehensive plan, planned action ordinance, or other local, state, or federal rules or laws; and

(d)(i) The city or county's applicable comprehensive plan was previously subjected to environmental analysis through an environmental impact statement under the requirements of this chapter prior to adoption; or

(ii) The city or county has prepared an environmental impact statement that considers the proposed use or density and intensity of use in the area proposed for an exemption under this ~~((section))~~ subsection.

~~((2- Any))~~ (3) Any project action that meets the following criteria is categorically exempt from the requirements of this chapter:

(a) It is related to a proposed development that would fill in a station area as defined in RCW 36.70A.030;

(b) It is related to a proposed:

(i) Multifamily residential development;

(ii) Mixed-use development; or

(iii) Commercial development; and

(c) It is not inconsistent with the applicable comprehensive plan, and does not clearly exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan.

(4) Any categorical exemption under this section applies even if it differs from the categorical exemptions adopted by rule of the department of ecology under RCW 43.21C.110(1)(a). However, any categorical exemption ~~((adopted by a city or county))~~ under this section ~~((shall be))~~ is subject to the rules of the department adopted according to RCW 43.21C.110(1)(a) that provide exceptions to the use of categorical exemptions adopted by the department.

**NEW SECTION. Sec. 12.** A new section is added to chapter 64.38 RCW to read as follows:

Governing documents created after the effective date of this section and applicable to associations located fully or partially within a station area as defined in RCW 36.70A.030 may not prohibit the construction or development of multifamily housing or transit-oriented density that must be permitted by cities under section 6 of this act or require off-street parking inconsistent or in conflict with RCW 36.70A.620.

**NEW SECTION. Sec. 13.** A new section is added to chapter 64.90 RCW to read as follows:

Declarations and governing documents created after the effective date of this section and applicable to a common interest community located fully or partially within a station area as defined in RCW 36.70A.030 may not prohibit the construction or development of multifamily housing or transit-oriented density that must be permitted by cities under section 6 of this act or require off-street parking inconsistent or in conflict with RCW 36.70A.620.

NEW SECTION. **Sec. 14.** A new section is added to chapter 64.34 RCW to read as follows:

A declaration created after the effective date of this section and applicable to an association located fully or partially within a station area as defined in RCW 36.70A.030 may not prohibit the construction or development of multifamily housing or transit-oriented density that must be permitted by cities under section 6 of this act or require off-street parking inconsistent or in conflict with RCW 36.70A.620.

NEW SECTION. **Sec. 15.** A new section is added to chapter 64.32 RCW to read as follows:

A declaration created after the effective date of this section and applicable to an association of apartment owners located fully or partially within a station area as defined in RCW 36.70A.030 may not prohibit the construction or development of multifamily housing or transit-oriented density that must be permitted by cities under section 6 of this act or require off-street parking inconsistent or in conflict with RCW 36.70A.620."

Correct the title.

Signed by Representatives Peterson, Chair; Alvarado, Vice Chair; Leavitt, Vice Chair; Bateman; Chopp; Entenman; Reed and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Klicker, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Hutchins; and Low.

MINORITY recommendation: Without recommendation. Signed by Representative Barkis.

Referred to Committee on Capital Budget

March 28, 2023

E2SSB 5536 Prime Sponsor, Ways & Means: Concerning controlled substances, counterfeit substances, and legend drug possession and treatment. Reported by Committee on Community Safety, Justice, & Reentry

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that substance use disorders are a public health issue. Solutions must not only address criminal legal responses, but must be data-driven and evidence-based, and must represent best practices, working directly with people who use drugs to prevent overdose and infectious disease transmission, and improve the physical, mental, and social well-being of those served. The state must follow principles of harm reduction, comprising practical strategies aimed at reducing negative consequences associated with drug use, including safer use of supplies as well as care settings, staffing, and interactions

that are person-centered, supportive, and welcoming.

The legislature finds that the recommendations of the substance use recovery services advisory committee reflect diligent work by individuals with a range of professional and personal experience, who brought that experience to the committee, and whose expertise is reflected in the recommendations.

**Part I - Prohibiting Knowing Possession of a Controlled Substance, Counterfeit Substance, or Legend Drug**

**Sec. 2.** RCW 69.50.4011 and 2003 c 53 s 332 are each amended to read as follows:

(1) Except as authorized by this chapter, it is unlawful for any person to ~~((create, deliver, or possess a counterfeit substance))~~:

(a) Create or deliver a counterfeit substance;

(b) Knowingly possess a counterfeit substance; or

(c) Knowingly possess and use a counterfeit substance in a public place by injection, inhalation, ingestion, or any other means.

(2) Any person who violates subsection (1)(a) of this section with respect to:

(a) A counterfeit substance classified in Schedule I or II which is a narcotic drug, or flunitrazepam classified in Schedule IV, is guilty of a class B felony and upon conviction may be imprisoned for not more than ~~((ten))10~~ years, fined not more than ~~((twenty-five thousand dollars))\$25,000~~, or both;

(b) A counterfeit substance which is methamphetamine, is guilty of a class B felony and upon conviction may be imprisoned for not more than ~~((ten))10~~ years, fined not more than ~~((twenty-five thousand dollars))\$25,000~~, or both;

(c) Any other counterfeit substance classified in Schedule I, II, or III, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(d) A counterfeit substance classified in Schedule IV, except flunitrazepam, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(e) A counterfeit substance classified in Schedule V, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(3)(a) A violation of subsection (1)(b) or (c) of this section is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(b) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(c) Upon arraignment for a violation of subsection (1)(b) or (c) of this section, the court shall determine whether the defendant has been advised by the defendant's counsel about the pretrial diversion opportunity described in section 10 of this act.

(d) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

**Sec. 3.** RCW 69.50.4013 and 2022 c 16 s 86 are each amended to read as follows:

(1) ~~((T))~~ Except as otherwise authorized by this chapter, it is unlawful for any person to:

(a) Knowingly possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice (~~(, or except as otherwise authorized by this chapter)~~); or

(b) Knowingly possess and use a controlled substance in a public place by injection, inhalation, ingestion, or any other means, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice.

(2)(a) Except as provided in RCW 69.50.4014 or 69.50.445, ~~((any person who violates this section is guilty of a class C felony punishable under chapter 9A.20 RCW))~~ a violation of subsection (1)(a) or (b) of this section is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(b) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(c) Upon arraignment for a violation of subsection (1)(a) or (b) of this section, the court shall determine whether the defendant has been advised by the defendant's counsel about the pretrial diversion opportunity described in section 10 of this act.

(3) The possession, by a person ~~((twenty-one))~~ 21 years of age or older, of useable cannabis, cannabis concentrates, or cannabis-infused products in amounts that do not exceed those set forth in RCW 69.50.360(3) is not a violation of this section, this chapter, or any other provision of Washington state law.

(b) The possession of cannabis, useable cannabis, cannabis concentrates, and cannabis-infused products being physically transported or delivered within the state, in amounts not exceeding those that may be established under RCW 69.50.385(3), by a

licensed employee of a common carrier when performing the duties authorized in accordance with RCW 69.50.382 and 69.50.385, is not a violation of this section, this chapter, or any other provision of Washington state law.

(4)(a) The delivery by a person ~~((twenty-one))~~ 21 years of age or older to one or more persons ~~((twenty-one))~~ 21 years of age or older, during a single ~~((twenty-four))~~ 24 hour period, for noncommercial purposes and not conditioned upon or done in connection with the provision or receipt of financial consideration, of any of the following cannabis products, is not a violation of this section, this chapter, or any other provisions of Washington state law:

(i) One-half ounce of useable cannabis;  
(ii) Eight ounces of cannabis-infused product in solid form;  
(iii) ~~((Thirty-six))~~ 36 ounces of cannabis-infused product in liquid form; or  
(iv) Three and one-half grams of cannabis concentrates.

(b) The act of delivering cannabis or a cannabis product as authorized under this subsection (4) must meet one of the following requirements:

(i) The delivery must be done in a location outside of the view of general public and in a nonpublic place; or

(ii) The cannabis or cannabis product must be in the original packaging as purchased from the cannabis retailer.

(5) No person under ~~((twenty-one))~~ 21 years of age may ~~((possess,))~~ manufacture, sell, ~~((or))~~ distribute, or knowingly possess cannabis, cannabis-infused products, or cannabis concentrates, regardless of THC concentration. This does not include qualifying patients with a valid authorization.

(6) The possession by a qualifying patient or designated provider of cannabis concentrates, useable cannabis, cannabis-infused products, or plants in accordance with chapter 69.51A RCW is not a violation of this section, this chapter, or any other provision of Washington state law.

(7) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

**Sec. 4.** RCW 69.50.4014 and 2022 c 16 s 88 are each amended to read as follows:

(1) Except as provided in RCW 69.50.401(2)(c) or as otherwise authorized by this chapter, any person found guilty of knowing possession of ~~((forty))~~ 40 grams or less of cannabis is guilty of a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(2) In lieu of jail booking and referral to the prosecutor, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the

recovery navigator program established under RCW 71.24.115.

(3) Upon arraignment for violation of this section, the court shall determine whether the defendant has been advised by the defendant's counsel about the pretrial diversion opportunity described in section 10 of this act.

**Sec. 5.** RCW 69.41.030 and 2020 c 80 s 41 are each amended to read as follows:

(1) It shall be unlawful for any person to sell ~~(r)~~ or deliver any legend drug, or knowingly possess any legend drug, or knowingly possess and use any legend drug in a public place by injection, inhalation, ingestion, or any other means, except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the commission and approved by a practitioner authorized to prescribe drugs, a physician assistant under chapter 18.71A RCW when authorized by the Washington medical commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health

care practitioners: PROVIDED FURTHER, That nothing in this chapter prohibits possession or delivery of legend drugs by an authorized collector or other person participating in the operation of a drug take-back program authorized in chapter 69.48 RCW.

(2)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving knowing possession is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(c) A violation of this section involving knowing possession and use in a public place is a misdemeanor. The prosecutor is encouraged to divert such cases for assessment, treatment, or other services.

(d) In lieu of jail booking and referral to the prosecutor for a violation of this section involving knowing possession, or knowing possession and use in a public place, law enforcement is encouraged to offer a referral to assessment and services available under RCW 10.31.110 or other program or entity responsible for receiving referrals in lieu of legal system involvement, which may include, but are not limited to, arrest and jail alternative programs established under RCW 36.28A.450, law enforcement assisted diversion programs established under RCW 71.24.589, and the recovery navigator program established under RCW 71.24.115.

(e) Upon arraignment for a violation of this section involving knowing possession, or knowing possession and use in a public place, the court shall determine whether the defendant has been advised by the defendant's counsel about the pretrial diversion opportunity described in section 10 of this act.

(3) For the purposes of this section, "public place" has the same meaning as defined in RCW 66.04.010, but the exclusions in RCW 66.04.011 do not apply.

**Sec. 6.** RCW 69.50.509 and 1987 c 202 s 228 are each amended to read as follows:

If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court, district court, or municipal court that there is probable cause to believe that any controlled substance is being used, manufactured, sold, bartered, exchanged, administered, dispensed, delivered, distributed, produced, knowingly possessed, given away, furnished or otherwise disposed of or kept in violation of the provisions of this chapter, such judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any law enforcement officer of the state, commanding him or her to search the premises designated and described in such complaint and warrant, and to seize all controlled substances there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, administering, dispensing, delivering,

distributing, producing, possessing, giving away, furnishing or otherwise disposing of such controlled substances, and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. The provisions of RCW 10.31.030 as now or hereafter amended shall apply to actions taken pursuant to this chapter.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.43 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the Washington state patrol bureau of forensic laboratory services shall aim to complete the necessary analysis for any evidence submitted for a suspected violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) within 45 days of receipt of the request for analysis.

The Washington state patrol bureau of forensic laboratory services' failure to comply with this section shall not constitute grounds for dismissal of a criminal charge.

## Part II - Relating to Drug Paraphernalia

**Sec. 8.** RCW 69.50.4121 and 2022 c 16 s 92 are each amended to read as follows:

(1) Every person who sells (~~or gives,~~) or permits to be sold (~~or given~~) 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, (~~testing,~~ ~~analyzing,~~) 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 (~~legal~~) distribution (~~of injection~~) or use of public health supplies including, but not limited to, syringe equipment, smoking equipment, or drug testing equipment, through public health (~~and~~) programs, community-based HIV prevention programs, outreach, shelter, and housing programs, 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).

**NEW SECTION. Sec. 9.** A new section is added to chapter 69.50 RCW to read as follows:

The state of Washington hereby fully occupies and preempts the entire field of drug paraphernalia regulation within the boundaries of the state including regulation of the use, selling, giving, delivery, and possession of drug paraphernalia. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to drug paraphernalia that are specifically authorized by state law and are consistent with this chapter. Such local ordinances must have the same penalty as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law may not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

## Part III - Providing Opportunities for Pretrial Diversion and Vacating Convictions

**NEW SECTION. Sec. 10.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Nothing in this section prevents the defendant, with the consent of the prosecuting attorney as required by RCW 2.30.030, from seeking to resolve charges under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) through available therapeutic courts or other alternatives to prosecution. Nothing in this section prevents the defendant or the prosecuting attorney from seeking or agreeing to, or the court from ordering, any other resolution of charges or terms of supervision that suit the circumstances of the defendant's situation and advance stabilization, crime reduction, and justice.

(2) Any defendant charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b)

or (c) may make a motion to participate in pretrial diversion and agree to waive his or her right to a speedy trial if the motion is granted, subject to the following:

(a) In all cases, the court may not grant the motion unless the prosecuting attorney consents to the defendant's participation in pretrial diversion. The prosecuting attorney is strongly encouraged to agree to diversion in any case where the defendant is only charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), and in any case where the only additional charge or charges against the defendant are for other nonfelony offenses.

(b) In any case where the defendant is only charged with a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), and the defendant has not been convicted of any offenses committed after the effective date of this section, the court shall grant the motion, continue the hearing, and refer the defendant for an assessment by any substance use disorder treatment program as designated in chapter 71.24 RCW.

(c) In any case where the defendant does not meet the criteria described in (b) of this subsection, the court may grant the motion, continue the hearing, and refer the defendant for an assessment by any substance use disorder treatment program as designated in chapter 71.24 RCW.

(3) Prior to granting the defendant's motion to participate in pretrial diversion under this section, the court shall provide the defendant and the defendant's counsel with the following information:

(a) A full description of the procedures for pretrial diversion;

(b) A general explanation of the roles and authorities of the probation department, the prosecuting attorney, the substance use disorder treatment program, and the court in the process;

(c) A clear statement that the court may grant pretrial diversion with respect to any offense under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) that is charged, provided that the defendant pleads not guilty to the charge or charges and waives his or her right to a speedy trial, and that upon the defendant's successful completion of pretrial diversion, as specified in subsection (11)(d) of this section, and motion of the defendant, prosecuting attorney, court, or probation department, the court must dismiss the charge or charges against the defendant;

(d) A clear statement that if the defendant has not made substantial progress with services provided that are appropriate to the defendant's circumstances, the prosecuting attorney may make a motion to terminate pretrial diversion and schedule further proceedings as otherwise provided in this section;

(e) An explanation of criminal record retention and disposition resulting from participation in pretrial diversion and the defendant's rights relative to answering questions about his or her arrest and pretrial diversion following successful completion; and

(f) A clear statement that under federal law it is unlawful for any person who is an unlawful user of or addicted to any controlled substance to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(4)(a) For defendants who participate in pretrial diversion under this section, the state shall make resources available to assist the defendant in scheduling a substance use disorder evaluation or expedited assessment within seven days of the defendant's agreement to participate in pretrial diversion. The substance use evaluation must be provided at no expense to defendants who qualify for public defense services or who are found to be indigent by the court. The evaluation must be provided at a location that is accessible to the defendant. When necessary and to the extent reasonably possible, the court shall provide the defendant with a list of available local resources to assist the defendant with securing transportation to the substance use disorder evaluation. The court may contract with a third party to provide substance use disorder assessments and services, which may be collocated at the court or be provided at alternative locations.

(b) The state shall reimburse local courts for costs associated with the substance use disorder assessments and related travel under this subsection.

(5) The substance use disorder counseling agency completing the assessment must make a written report to the court stating its findings and recommendations after the examination if the defendant decides to continue pursuing pretrial diversion. The report shall be filed under seal with the court, and a copy of the report shall be given to the prosecuting attorney, defendant, and defendant's counsel. The report and its copies are confidential and exempt from disclosure under chapter 42.56 RCW. The court shall endeavor to avoid public discussion of the circumstances, history, or diagnoses that could stigmatize the defendant.

(6) Subject to the availability of funds appropriated for this specific purpose, the assessment and recommended services or treatment must be provided at no cost for individuals who have been found to be indigent by the court.

(7) Once the assessment has been filed with the court, if the report indicates the individual has a substance use disorder, the court shall inform the individual that under federal law the individual may not possess any firearm or ammunition. The court shall thereafter sign an order of ineligibility to possess firearms as required by RCW 9.41.800 and shall require the individual to surrender all firearms in accordance with RCW 9.41.804.

(8) No statement, or any information procured therefrom relating to the charge for which the defendant is receiving treatment or services, made by the defendant to any treatment or service provider, that is made during the course of any assessment

or services provided by the treatment program pursuant to subsections (4) and (5) of this section, and before the reporting of the findings and recommendations to the court, may be admissible in any action or proceeding brought subsequent to the investigation.

(9) A defendant's participation in pretrial diversion under this section does not constitute a conviction, a stipulation to facts, or an admission of guilt for any purpose.

(10) At the time that pretrial diversion is granted, any bail bond on file by or on behalf of the defendant must be exonerated, and the court must enter an order so directing.

(11)(a) If it appears to the prosecuting attorney that the defendant is not meaningfully engaging in the recommended treatment or services, the prosecuting attorney may make a motion for termination from pretrial diversion.

(b) After notice to the defendant, the court must hold a hearing to determine whether pretrial diversion shall be terminated.

(c) If the court finds that the defendant is not meaningfully engaging in the recommended treatment or services, the court must schedule the matter for further proceedings.

(d) If the defendant has successfully completed pretrial diversion, including substantial engagement with assessment recommended treatment, or services, at the end of that period, the charge or charges under RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) must be dismissed.

**NEW SECTION. Sec. 11.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Prior to sentencing any person convicted of violating RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), the court shall inform the person that under federal law it is unlawful for any person who is an unlawful user of or addicted to any controlled substance to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition, or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

(2) In courts of limited jurisdiction, if an individual who is convicted of a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c) agrees as a condition of probation to obtain a substance use disorder assessment and participate in any recommended treatment or services, the court shall sentence the individual to a term of confinement of up to 90 days, all of which shall be suspended for a period not to exceed one year.

(3) For individuals sentenced under subsection (2) of this section, if a suspended sentence is imposed, the court may order as a condition of probation the individual to obtain a substance use

disorder assessment and participate in any recommended treatment or services.

(a) The state shall assist the defendant in scheduling a substance use disorder evaluation or expedited assessment within seven days of the defendant's agreement to obtain an assessment and participate in any recommended treatment or services. The substance use disorder evaluation shall be provided at no expense to defendants who qualify for public defense services or who are found to be indigent by the court. The evaluation shall be provided at a location that is accessible to the defendant. When necessary and to the extent reasonably possible, the court shall provide the defendant with a list of available local resources to assist the defendant with securing transportation to the substance use disorder evaluation. The court may contract with a third party to provide substance use disorder assessments and services, which may be collocated at the court or be provided at alternative locations. The state shall reimburse local courts for costs associated with the substance use disorder assessments under this subsection.

(b) A substance use disorder assessment shall be prepared by a substance use disorder services or counseling program licensed or certified by the department of health. A copy of the report shall be forwarded to the court and filed under seal. Based on the assessment, the court shall determine whether the person shall be required to complete a course in an alcohol and drug information school licensed or certified by the department of health or more sustained services provided by a licensed behavioral health care provider, peer counseling program, or other case management program.

(c) Once the assessment has been filed with the court, if the report indicates the individual has a substance use disorder, the court shall inform the individual that under federal law the individual may not possess any firearm or ammunition. The court shall thereafter sign an order of ineligibility to possess firearms as required by RCW 9.41.800.

(d) The assessment shall include the following:

(i) Available background on the defendant's circumstances, barriers, and past service history, if any;

(ii) Nature of barriers and challenges;

(iii) Recommendations for services available in the individual's community that are likely to work with the individual and provide relevant support;

(iv) A statement of unavailability if there are no known suitable services presently available in the individual's community that would meaningfully assist the individual; and

(v) Approximate cost of the services if not publicly provided.

(4) A person subject to substance use disorder assessment and treatment or services shall be required by the court to complete a course in an alcohol and drug information school certified by the department of health or to more sustained services provided by a licensed behavioral health care provider, peer counseling

program, or other case management program, as determined by the court.

(5) All individuals providing assessments under this section shall implement the integrated and comprehensive screening and assessment process for co-occurring substance use and mental health disorders adopted under RCW 71.24.630.

(6) If the court directs a service plan after receiving an individual's assessment, the court shall confirm with the individual's indicated service provider that the service provider consents to providing the court with occasional updates on the individual's progress on a schedule acceptable to the court. The updates must be provided at least monthly.

(7) Subject to the availability of funds appropriated for this purpose, the substance use disorder assessment and recommended treatment or services as ordered by the court shall be provided at no cost for sentenced individuals who have been found to be indigent by the court.

(8) As a condition of probation, the sentenced individual must meaningfully engage with the treatment or services recommendations of the substance use disorder assessment.

(9)(a) If it appears to the prosecuting attorney that the sentenced individual is not meaningfully engaging in the recommended treatment or services, the prosecuting attorney shall make a motion for a hearing to consider sanctions. After notice to the sentenced individual, the court shall hold a hearing to determine if a sanction or revocation of the individual's suspended sentence, or any part thereof, is warranted under RCW 3.50.340 or 3.66.069.

(b) The court may not sanction an individual for failing to comply with the recommended treatment or services if the court finds the sentenced individual has made reasonable efforts to comply with the recommended treatment but cannot comply either due to a lack of available treatment or services or, for sentenced individuals found to be indigent by the court, due to a lack of funding for treatment or services.

(c) At the hearing, if the court finds by a preponderance of the evidence that the sentenced individual has willfully abandoned or demonstrated a consistent failure to meaningfully participate in the recommended treatment or services, the court shall use its discretion in determining an appropriate sanction.

(10) If the individual has successfully completed the recommended treatment or services, the individual must file proof of successful completion with the court. Upon verification that the individual successfully completed the recommended treatment or services, the court must terminate probation and enter an order vacating the individual's conviction.

**Sec. 12.** RCW 9.96.060 and 2022 c 16 s 7 are each amended to read as follows:

(1) When vacating a conviction under this section, the court effectuates the vacation by: (a) (i) Permitting the applicant to withdraw the applicant's plea of guilty and to enter a plea of not guilty; or (ii) if

the applicant has been convicted after a plea of not guilty, the court setting aside the verdict of guilty; and (b) the court dismissing the information, indictment, complaint, or citation against the applicant and vacating the judgment and sentence.

(2) Every person convicted of a misdemeanor or gross misdemeanor offense may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. If the court finds the applicant meets the requirements of this subsection, the court may in its discretion vacate the record of conviction. Except as provided in subsections (3), (4), ~~((and))~~ (5), and (6) of this section, an applicant may not have the record of conviction for a misdemeanor or gross misdemeanor offense vacated if any one of the following is present:

(a) The applicant has not completed all of the terms of the sentence for the offense;

(b) There are any criminal charges against the applicant pending in any court of this state or another state, or in any federal or tribal court, at the time of application;

(c) The offense was a violent offense as defined in RCW 9.94A.030 or an attempt to commit a violent offense;

(d) The offense was a violation of RCW 46.61.502 (driving while under the influence), 46.61.504 (actual physical control while under the influence), 9.91.020 (operating a railroad, etc. while intoxicated), or the offense is considered a "prior offense" under RCW 46.61.5055 and the applicant has had a subsequent alcohol or drug violation within ten years of the date of arrest for the prior offense or less than ten years has elapsed since the date of the arrest for the prior offense;

(e) The offense was any misdemeanor or gross misdemeanor violation, including attempt, of chapter 9.68 RCW (obscenity and pornography), chapter 9.68A RCW (sexual exploitation of children), or chapter 9A.44 RCW (sex offenses), except for failure to register as a sex offender under RCW 9A.44.132;

(f) The applicant was convicted of a misdemeanor or gross misdemeanor offense as defined in RCW 10.99.020, or the court determines after a review of the court file that the offense was committed by one family or household member against another or by one intimate partner against another, or the court, after considering the damage to person or property that resulted in the conviction, any prior convictions for crimes defined in RCW 10.99.020, or for comparable offenses in another state or in federal court, and the totality of the records under review by the court regarding the conviction being considered for vacation, determines that the offense involved domestic violence, and any one of the following factors exist:

(i) The applicant has not provided written notification of the vacation petition to the prosecuting attorney's office that prosecuted the offense for which vacation is sought, or has not provided that notification to the court;

(ii) The applicant has two or more domestic violence convictions stemming from



different incidents. For purposes of this subsection, however, if the current application is for more than one conviction that arose out of a single incident, none of those convictions counts as a previous conviction;

(iii) The applicant has signed an affidavit under penalty of perjury affirming that the applicant has not previously had a conviction for a domestic violence offense, and a criminal history check reveals that the applicant has had such a conviction; or

(iv) Less than five years have elapsed since the person completed the terms of the original conditions of the sentence, including any financial obligations and successful completion of any treatment ordered as a condition of sentencing;

(g) For any offense other than those described in (f) of this subsection, less than three years have passed since the person completed the terms of the sentence, including any financial obligations;

(h) The offender has been convicted of a new crime in this state, another state, or federal or tribal court in the three years prior to the vacation application; or

(i) The applicant is currently restrained by a domestic violence protection order, a no-contact order, an antiharassment order, or a civil restraining order which restrains one party from contacting the other party or was previously restrained by such an order and was found to have committed one or more violations of the order in the five years prior to the vacation application.

(3) If the applicant is a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor; sexual assault; or domestic violence as defined in RCW 9.94A.030, or the prosecutor applies on behalf of the state, the sentencing court may vacate the record of conviction if the application satisfies the requirements of RCW 9.96.080. When preparing or filing the petition, the prosecutor is not deemed to be providing legal advice or legal assistance on behalf of the victim, but is fulfilling an administrative function on behalf of the state in order to further their responsibility to seek to reform and improve the administration of criminal justice. A record of conviction vacated using the process in RCW 9.96.080 is subject to subsections ~~((6) and)~~ (7) and (8) of this section.

(4) Every person convicted prior to January 1, 1975, of violating any statute or rule regarding the regulation of fishing activities, including, but not limited to, RCW 75.08.260, 75.12.060, 75.12.070, 75.12.160, 77.16.020, 77.16.030, 77.16.040, 77.16.060, and 77.16.240 who claimed to be exercising a treaty Indian fishing right, may apply to the sentencing court for vacation of the applicant's record of the misdemeanor, gross misdemeanor, or felony conviction for the offense. If the person is deceased, a member of the person's family or an official representative of the tribe of which the person was a member may apply to the court on behalf of the deceased person. Notwithstanding the requirements of RCW 9.94A.640, the court shall vacate the record of conviction if:

(a) The applicant is a member of a tribe that may exercise treaty Indian fishing rights at the location where the offense occurred; and

(b) The state has been enjoined from taking enforcement action of the statute or rule to the extent that it interferes with a treaty Indian fishing right as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and any posttrial orders of those courts, or any other state supreme court or federal court decision.

(5) Every person convicted of a misdemeanor cannabis offense, who was ~~((twenty-one))~~ 21 years of age or older at the time of the offense, may apply to the sentencing court for a vacation of the applicant's record of conviction for the offense. A misdemeanor cannabis offense includes, but is not limited to: Any offense under RCW 69.50.4014, from July 1, 2004, onward, and its predecessor statutes, including RCW 69.50.401(e), from March 21, 1979, to July 1, 2004, and RCW 69.50.401(d), from May 21, 1971, to March 21, 1979, and any offense under an equivalent municipal ordinance. If an applicant qualifies under this subsection, the court shall vacate the record of conviction.

(6) If an individual convicted of a violation or violations of RCW 69.50.4011(1)(b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2)(b) or (c) successfully completes a substance use disorder treatment or services program and files proof of completion with the court, the prosecutor shall make a motion to vacate the individual's conviction or convictions. Upon verification that the individual successfully completed the substance use disorder treatment program, the court shall grant the motion and vacate the conviction or convictions.

(7) A person who is a family member of a homicide victim may apply to the sentencing court on the behalf of the victim for vacation of the victim's record of conviction for prostitution under RCW 9A.88.030. If an applicant qualifies under this subsection, the court shall vacate the victim's record of conviction.

~~((47))~~ (8) (a) Except as provided in (c) of this subsection, once the court vacates a record of conviction under this section, the person shall be released from all penalties and disabilities resulting from the offense and the fact that the person has been convicted of the offense shall not be included in the person's criminal history for purposes of determining a sentence in any subsequent conviction. For all purposes, including responding to questions on employment or housing applications, a person whose conviction has been vacated under this section may state that he or she has never been convicted of that crime. However, nothing in this section affects the requirements for restoring a right to possess a firearm under RCW 9.41.040. Except as provided in (b) of this subsection, nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

(b) When a court vacates a record of domestic violence as defined in RCW 10.99.020 under this section, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) Violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to 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 (RCW 10.99.040, 10.99.050, 26.09.300, 26.26B.050, 26.44.063, 26.44.150, or 26.52.070, or any of the former RCW 26.50.060, 26.50.070, 26.50.130, and 74.34.145); (ii) stalking (RCW 9A.46.110); or (iii) a domestic violence protection order or vulnerable adult protection order entered under chapter 7.105 RCW. A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

(c) A conviction vacated on or after July 28, 2019, qualifies as a prior conviction for the purpose of charging a present recidivist offense as defined in RCW 9.94A.030 occurring on or after July 28, 2019.

~~((9))~~ (9) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

~~((9))~~ (10) For the purposes of this section, "cannabis" has the meaning provided in RCW 69.50.101.

**NEW SECTION. Sec. 13.** A new section is added to chapter 2.56 RCW to read as follows:

(1) The administrative office of the courts shall collect data and information related to the utilization and outcomes of pretrial diversions pursuant to section 10 of this act, convictions pursuant to section 11 of this act, and motions for vacating convictions pursuant to RCW 9.96.060(6), including but not limited to the following:

(a) The recidivism rate for persons who either participated in a pretrial diversion pursuant to section 10 of this act, or who were sentenced pursuant to section 11 of this act and agreed as a condition of probation to obtain a substance use disorder assessment and participate in recommended treatment or services;

(b) The number of pretrial diversions offered pursuant to section 10 of this act and whether such diversions were terminated, were successfully completed and resulted in a dismissal, or are still ongoing;

(c) Aggregated and disaggregated demographic data for pretrial diversions pursuant to section 10 of this act, that identifies trends or disparities in utilization or outcomes based on race, ethnicity, gender, gender expression or identity, disability status, age, and any other appropriate characteristics as determined by the administrative office of the courts;

(d) Statistical data comparing the relative utilization and outcomes of pretrial diversions pursuant to section 10 of this act in specific courts and in different regions of Washington;

(e) The number of people convicted of a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c);

(f) The number of people sentenced pursuant to section 11 of this act who agreed as a condition of probation to obtain a substance use disorder assessment and participate in recommended treatment or services;

(g) Aggregated and disaggregated demographic data for people convicted of a violation of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, or 69.41.030(2) (b) or (c), that identifies trends or disparities in sentencing for and vacating of such convictions based on race, ethnicity, gender, gender expression or identity, disability status, age, and any other appropriate characteristics as determined by the administrative office of the courts; and

(h) Statistical data comparing the sentences imposed pursuant to section 11 of this act, and the convictions vacated pursuant to RCW 9.96.060(6), in specific courts and in different regions of Washington.

(2) The administrative office of the courts shall, in cooperation with the Washington state patrol and the Washington association of sheriffs and police chiefs, collect data and information related to reported violations of RCW 69.50.4011(1) (b) or (c), 69.50.4013, 69.50.4014, and 69.41.030(2) (b) or (c) responded to by law enforcement, including but not limited to the following:

(a) Whether such violations were deferred to treatment in lieu of further legal system involvement, or referred to the prosecuting attorney for potential charges;

(b) The number of such violations involving repeat offenders; and

(c) The number of such violations involving persons who previously participated in pretrial diversion pursuant to section 10 of this act, or who were previously sentenced pursuant to section 11 of this act and agreed as a condition of probation to obtain a substance use disorder assessment and participate in recommended treatment or services.

(3) Beginning August 1, 2024, and on August 1st of every year thereafter, the administrative office of the courts shall

submit an annual report to the legislature containing the data and information described in subsections (1) and (2) of this section.

#### Part IV - Opioid Treatment Rural Access and Expansion

**Sec. 14.** RCW 36.70A.200 and 2021 c 265 s 2 are each amended to read as follows:

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance ~~((abuse))~~ use disorder treatment facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 ~~((6) or (15))~~ (7) or (16) or chapter 10.77 or 71.05 RCW.

(c) The department of children, youth, and families may not attempt to site new community facilities as defined in RCW 72.05.020 east of the crest of the Cascade mountain range unless there is an equal or greater number of sited community facilities as defined in RCW 72.05.020 on the western side of the crest of the Cascade mountain range.

(d) For the purpose of this section, "harm reduction programs" means programs that emphasize working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17A.005, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

**Sec. 15.** RCW 71.24.589 and 2019 c 314 s 29 are each amended to read as follows:

(1) Subject to funds appropriated by the legislature, the authority shall ~~((implement a pilot project))~~ administer a grant program for law enforcement assisted diversion which shall adhere to law enforcement assisted diversion core principles recognized by the law enforcement assisted diversion national support bureau, the efficacy of which have been demonstrated in peer-reviewed research studies.

(2) ~~((Under the pilot project, the))~~ The authority must partner with the law enforcement assisted diversion national support bureau to award ~~((a contract))~~ contracts, subject to appropriation, for ~~((two or more geographic areas))~~ jurisdictions in the state of Washington for law enforcement assisted diversion. Cities, counties, and tribes ~~((may compete for participation in a pilot project)),~~ subdivisions thereof, public development authorities, and community-based organizations demonstrating support from necessary public partners, may serve as the lead agency applying for funding. Funds may be used to scale existing projects, and to

invite additional jurisdictions to launch law enforcement assisted diversion programs.

(3) The ~~((pilot projects))~~ program must provide for securing comprehensive technical assistance from law enforcement assisted diversion implementation experts to develop and implement a law enforcement assisted diversion program ~~((in the pilot project's geographic areas))~~ in a way that ensures fidelity to the research-based law enforcement assisted diversion model. Sufficient funds must be allocated from grant program funds to secure technical assistance for the authority and for the implementing jurisdictions.

(4) The key elements of a law enforcement assisted diversion ~~((pilot project))~~ program must include:

(a) Long-term case management for individuals with substance use disorders;

(b) Facilitation and coordination with community resources focusing on overdose prevention;

(c) Facilitation and coordination with community resources focused on the prevention of infectious disease transmission;

(d) Facilitation and coordination with community resources providing physical and behavioral health services;

(e) Facilitation and coordination with community resources providing medications for the treatment of substance use disorders;

(f) Facilitation and coordination with community resources focusing on housing, employment, and public assistance;

(g) ~~((Twenty-four))~~ 24 hours per day and seven days per week response to law enforcement for arrest diversions; and

(h) Prosecutorial support for diversion services.

(5) No civil liability may be imposed by any court on the state or its officers or employees, an appointed or elected official, public employee, public agency as defined in RCW 4.24.470, combination of units of government and its employees as provided in RCW 36.28A.010, nonprofit community-based organization, tribal government entity, tribal organization, or urban Indian organization, based on the administration of a law enforcement assisted diversion program or activities carried out within the purview of a grant received under this program except upon proof of bad faith or gross negligence.

**Sec. 16.** RCW 71.24.590 and 2019 c 314 s 30 are each amended to read as follows:

(1) When making a decision on an application for licensing or certification of ~~((a))~~ an opioid treatment program, the department shall:

(a) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program;

(b) License or certify only programs that will be sited in accordance with the appropriate county or city land use ordinances. Counties and cities may require conditional use permits with reasonable

conditions for the siting of programs only to the extent that such reasonable conditional use requirements applied to opioid treatment programs are similarly applied to other essential public facilities and health care settings. Pursuant to RCW 36.70A.200, no local comprehensive plan or development regulation may preclude the siting of essential public facilities;

(c) Not discriminate in its licensing or certification decision on the basis of the corporate structure of the applicant;

(d) Consider the size of the population in need of treatment in the area in which the program would be located and license or certify only applicants whose programs meet the necessary treatment needs of that population;

(e) Consider the availability of other certified opioid treatment programs near the area in which the applicant proposes to locate the program;

(f) Consider the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment;

(g) Consider whether the applicant has, or has demonstrated in the past, the capability to provide the appropriate services to assist the persons who utilize the program in meeting goals established by the legislature in RCW 71.24.585. The department shall prioritize licensing or certification to applicants who have demonstrated such capability and are able to measure their success in meeting such outcomes (~~(+~~

~~(h) Hold one public hearing in the community in which the facility is proposed to be located. The hearing shall be held at a time and location that are most likely to permit the largest number of interested persons to attend and present testimony. The department shall notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing)).~~

(2) ~~((A))~~ No city or county legislative authority may impose a maximum capacity for ((a)) an opioid treatment program ((of not less than three hundred fifty participants if necessary to address specific local conditions cited by the county)).

(3) A program applying for licensing or certification from the department and a program applying for a contract from a state agency that has been denied the licensing or certification or contract shall be provided with a written notice specifying the rationale and reasons for the denial.

(4) Opioid treatment programs may order, possess, dispense, and administer medications approved by the United States food and drug administration for the treatment of opioid use disorder, alcohol use disorder, tobacco use disorder, and reversal of opioid overdose. For an opioid treatment program to order, possess, and dispense any other legend drug, including controlled substances, the opioid treatment program must obtain additional licensure as required by the department, except for patient-owned medications.

(5) Opioid treatment programs may accept, possess, and administer patient-owned medications.

(6) Registered nurses and licensed practical nurses may dispense up to a ~~((thirty-one))~~ 31 day supply of medications approved by the United States food and drug administration for the treatment of opioid use disorder to patients of the opioid treatment program, under an order or prescription and in compliance with 42 C.F.R. Sec. 8.12.

(7) For the purpose of this chapter, "opioid treatment program" means a program that:

(a) Engages in the treatment of opioid use disorder with medications approved by the United States food and drug administration for the treatment of opioid use disorder and reversal of opioid overdose, including methadone; and

(b) Provides a comprehensive range of medical and rehabilitative services.

(8) A mobile or fixed-site medication unit may be established as part of a licensed opioid treatment program.

**NEW SECTION. Sec. 17.** A new section is added to chapter 43.330 RCW to read as follows:

(1) Subject to funds appropriated for this specific purpose, a program is established in the department to fund the construction costs necessary to start up substance use disorder treatment and services programs in regions of the state that currently lack access to such programs.

(2) This funding must be used to increase the number of substance use disorder treatment and services programs in underserved areas such as central and eastern Washington and rural areas.

**NEW SECTION. Sec. 18.** RCW 10.31.115 (Drug possession—Referral to assessment and services) and 2021 c 311 s 13 are each repealed.

#### **Part V - Funding, Promotion, and Training for Recovery Residences**

**NEW SECTION. Sec. 19.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the authority shall:

(1) Make sufficient funding available to support establishment of an adequate and equitable stock of recovery residences in each region of the state, including by expansion of a revolving fund program to make loans or grants available for recovery residence operators to use for necessary capital expenses;

(2) Establish a voucher program to allow accredited recovery housing operators to hold bed space for individuals who are waiting for treatment or who have returned to use and need a place to stay while negotiating a return to stable housing;

(3) Conduct outreach to underserved and rural areas to support the development of

recovery housing, including adequate resources for women, LGBTQIA+ communities, and youth; and

(4) Develop a training for housing providers by January 1, 2024, to assist them with providing appropriate service to LGBTQIA+ communities, including consideration of topics like harassment, communication, antiracism, diversity, and gender affirming behavior, and ensure applicants for grants or loans related to recovery residences receive access to the training.

**Sec. 20.** RCW 84.36.043 and 1998 c 174 s 1 are each amended to read as follows:

(1) The real and personal property used by a nonprofit organization in providing emergency or transitional housing for low-income homeless persons as defined in RCW 35.21.685 or 36.32.415 or victims of domestic violence who are homeless for personal safety reasons is exempt from taxation if:

(a) The charge, if any, for the housing does not exceed the actual cost of operating and maintaining the housing; and

(b)(i) The property is owned by the nonprofit organization; or

(ii) The property is rented or leased by the nonprofit organization and the benefit of the exemption inures to the nonprofit organization.

(2) The real and personal property used by a nonprofit organization in maintaining an approved recovery residence registered under RCW 41.05.760 is exempt from taxation if:

(a) The charge for the housing does not exceed the actual cost of operating and maintaining the housing; and

(b)(i) The property is owned by the nonprofit organization; or

(ii) The property is rented or leased by the nonprofit organization and the benefit of the exemption inures to the nonprofit organization.

(3) As used in this section:

(a) "Homeless" means persons, including families, who, on one particular day or night, do not have decent and safe shelter nor sufficient funds to purchase or rent a place to stay.

(b) "Emergency housing" means a project that provides housing and supportive services to homeless persons or families for up to sixty days.

(c) "Transitional housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

((+3)) (d) "Recovery residence" has the same meaning as under RCW 41.05.760.

(4) The exemption in subsection (2) of this section applies to taxes levied for collection in calendar years 2024 through 2033.

(5) This exemption is subject to the administrative provisions contained in RCW 84.36.800 through 84.36.865.

NEW SECTION. **Sec. 21.** (1) This section is the tax preference performance statement for the tax preference contained in section 20, chapter . . . , Laws of 2023 (section 20 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) By exempting property used by nonprofit organizations maintaining approved recovery residences, it is the legislature's specific public policy objective to maximize funding for recovery residences to the extent possible, thereby increasing availability of such residences.

(4) To measure the effectiveness of the tax exemption provided in section 20 of this act in achieving the specific public policy objectives described in subsection (3) of this section, the joint legislative audit and review committee must evaluate:

(a) Annual changes in the total number of parcels qualifying for the exemption under section 20 of this act;

(b) The amount of annual property tax relief resulting from the tax exemption under section 20 of this act;

(c) The average annual number of people housed at recovery residences located on property qualifying for the exemption under section 20 of this act;

(d) The annualized amount charged for housing at recovery residences located on property qualifying for the exemption under section 20 of this act and the annualized estimated increase in the charge for housing if the properties had not been eligible for the exemption; and

(e) The annual amount of expenditures by nonprofits to maintain recovery residences located on property qualifying for the exemption under section 20 of this act.

(5) The legislature intends to extend the expiration date of the property tax exemption under section 20 of this act if the review by the joint legislative audit and review committee finds that:

(a) The number of properties qualifying for the exemption under section 20 of this act has increased;

(b) The number of individuals using recovery housing located on property qualifying for the exemption under section 20 of this act has increased; and

(c) The amount charged for recovery housing is reasonably consistent with the actual cost of operating and maintaining the housing.

(6) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to:

(a) Initial applications for the tax exemption under section 20 of this act as approved by the department of revenue under RCW 84.36.815;

(b) Annual financial statements prepared by nonprofit entities claiming the tax exemption under section 20 of this act;

(c) Filings with the federal government to maintain federal tax exempt status by nonprofit organizations claiming the tax exemption under section 20 of this act; and

(d) Any other data necessary for the evaluation under subsection (4) of this section.

**Part VI - Training for Parents of Children with Substance Use Disorder and Caseworkers Within the Department of Children, Youth, and Families**

NEW SECTION. **Sec. 22.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority, in consultation with the department of children, youth, and families, shall develop a training for parents of children and transition age youth with substance use disorders by June 30, 2024, addressing the following:

(a) Science and education related to substance use disorders;

(b) Adaptive and functional communication strategies for communication with a loved one about their substance use disorder, including positive communication skills and strategies to influence motivation and behavioral change;

(c) Self-care and means of obtaining support; and

(d) Means to obtain opioid overdose reversal medication when appropriate and instruction on proper use.

(2) The authority and the department of children, youth, and families shall make this training publicly available, and the department of children, youth, and families must promote the training to licensed foster parents and caregivers, including any tribally licensed foster parents and tribal caregivers.

NEW SECTION. **Sec. 23.** A new section is added to chapter 43.216 RCW to read as follows:

The department must make opioid overdose reversal medication available for use by caseworkers or employees that may come in contact with individuals experiencing overdose and must make appropriate training available.

**Part VII - Data Support for Recovery Navigator Programs**

NEW SECTION. **Sec. 24.** To support recovery navigator programs, the health care authority must develop and implement a data integration platform by June 30, 2024, to serve as a common database available for diversion efforts across the state, to serve as a data collection and management tool for practitioners, and to assist in standardizing definitions and practices. If possible, the health care authority must leverage and interact with existing platforms already in use in efforts funded

by the authority. The health care authority must establish a quality assurance process for behavioral health administrative services organizations, and employ data validation for fields in the data collection workbook. The health care authority must engage and consult with the law enforcement assisted diversion national support bureau on data integration approaches, platforms, quality assurance protocols, and validation practices.

**NEW SECTION. Sec. 25.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall contract with the Washington state institute for public policy to conduct a study of the long-term effectiveness of the recovery navigator program under RCW 71.24.115 with reports due by June 30th in the years 2028, 2033, and 2038. The Washington state institute for public policy shall collaborate with the authority, the law enforcement assisted diversion national support bureau, and the substance use recovery services advisory committee under RCW 71.24.546 on the topic of data collection and to determine the parameters of the report, which shall include recommendations, if any, for modification and improvement of the recovery navigator program. The law enforcement assisted diversion national support bureau may supplement the report with additional recommendations to improve the recovery navigator program by enhancing its ability to provide a viable, accepted, community-based care alternative to jail and prosecution. The authority shall cooperate with the Washington state institute for public policy to provide data for this report.

(2) The authority shall establish an expedited preapproval process by August 1, 2023, which allows requests for the use of data to be forwarded to the Washington state institutional review board without delay when the request is made by the Washington state institute for public policy for the purpose of completing a study that has been directed by the legislature.

**Part VIII - Establishing Rules and Payment Structures for Health Engagement Hubs**

**NEW SECTION. Sec. 26.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall develop payment structures for health engagement hubs by January 1, 2025.

(2) A health engagement hub:

(a) Serves as an all-in-one location where people who use drugs can access a range of medical, harm reduction, treatment, and social services. A health engagement hub may not provide supervised injection services;

(b) May be affiliated with existing syringe service programs, federally qualified health centers, community health centers, overdose prevention sites, safe consumption sites, patient-centered medical

homes, tribal behavioral health programs, peer run organizations such as clubhouses, services for unhoused people, supportive housing, and opioid treatment programs including mobile and fixed-site medication units established under an opioid treatment program, or other appropriate entity;

(c) Provides referrals or access to methadone and other medications for opioid addiction;

(d) Functions as a patient-centered medical home by offering high-quality, cost-effective patient-centered care, including wound care;

(e) Provides harm reduction services and supplies;

(f) Provides linkage to housing, transportation, and other support services; and

(g) Is open to youth as well as adults.

(3) To the extent allowed under federal law, the authority shall direct medicaid managed care organizations to adopt a value-based bundled payment methodology in contracts with health engagement hubs and other opioid treatment providers.

(4) The authority shall make sufficient funding available to ensure that a health engagement hub is available within a two-hour drive for all communities and that there is at least one health engagement hub available per 200,000 residents in Washington state.

**Part IX - Education and Employment Pathways**

**NEW SECTION. Sec. 27.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to funding provided for this specific purpose, the authority shall establish a grant program for providers of employment, education, training, certification, and other supportive programs designed to provide persons recovering from a substance use disorder with employment opportunities. The grant program shall employ a low-barrier application and give priority to programs that engage with black, indigenous, persons of color, and other historically underserved communities.

**Part X - Providing a Statewide Directory of Recovery Services**

**NEW SECTION. Sec. 28.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to funding provided for this specific purpose, the authority must collaborate with the department and the department of social and health services to expand the Washington recovery helpline and the recovery readiness asset tool to provide a dynamically updated statewide behavioral health treatment and recovery support services mapping tool that includes a robust resource database for those seeking services and a referral system to be incorporated within the locator tool to help facilitate the connection between an individual and a facility that is currently accepting new referrals. The tool must include dual

interface capability, one for public access and one for internal use and management.

**Part XI - Investing Adequately in Statewide Diversion Services**

NEW SECTION. **Sec. 29.** A new section is added to chapter 71.24 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, the authority shall:

(1) Continue and expand efforts to provide opioid use disorder medication in city, county, regional, and tribal jails;

(2) Provide support funds to new and established department of health certified clubhouses throughout the state;

(3) Award grants to an equivalent number of crisis services providers to the west and the east of the Cascade mountains, to establish and expand 23-hour crisis relief center capacity;

(4) Maintain a memorandum of understanding with the criminal justice training commission to provide ongoing funding for community grants pursuant to RCW 36.28A.450; and

(5) Provide ongoing grants to law enforcement assistant diversion programs under RCW 71.24.589.

**Part XII - Streamlining Substance Use Disorder Treatment Intakes**

NEW SECTION. **Sec. 30.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The authority shall convene a work group to recommend changes to systems, policies, and processes related to intake, screening, and assessment for substance use disorder services, with the goal to broaden the workforce capable of processing intakes and to make the intake process as brief as possible, including only what is necessary to manage utilization and initiate care. The intake shall be low barrier, person-centered, and amenable to administration in diverse health care settings and by a range of health care professionals. The intake assessment shall consider the person's self-identified needs and preferences when evaluating direction of treatment and may include different components based on the setting, context, and past experience with the client.

(2) The work group must include care providers, payors, people who use drugs, and other individuals recommended by the authority. The work group shall present its recommendations to the governor and appropriate committees of the legislature by December 1, 2024.

**Part XIII - Miscellaneous Provisions**

NEW SECTION. **Sec. 31.** Section 7 of this act takes effect January 1, 2025.

**Sec. 32.** 2021 c 311 s 29 (uncodified) is amended to read as follows:

Sections 8 through 10(~~(7)~~) and 12(~~(, 15, and 16)~~) of this act expire July 1, 2023.

NEW SECTION. **Sec. 33.** Sections 2 through 6, 8 through 12, and 32 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2023.

NEW SECTION. **Sec. 34.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Davis; Fosse and Ramos.

MINORITY recommendation: Do not pass. Signed by Representatives Griffey, Assistant Ranking Minority Member; Farivar; and Graham.

Referred to Committee on Appropriations

March 28, 2023

2SSB 5555

Prime Sponsor, Ways & Means: Creating the profession of certified peer specialists. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that peers play a critical role along the behavioral health continuum of care, from outreach to treatment to recovery support. Peers deal in the currency of hope and motivation and are incredibly adept at supporting people with behavioral health challenges on their recovery journeys. Peers represent the only segment of the behavioral health workforce where there is not a shortage, but a surplus of willing workers. Peers, however, are presently limited to serving only medicaid recipients and working only in community behavioral health agencies. As a result, youth and adults with commercial insurance have no access to peer services. Furthermore, peers who work in other settings, such as emergency departments and behavioral health urgent care, cannot bill insurance for their services.

(2) Therefore, it is the intent of the legislature to address the behavioral health workforce crisis, expand access to peer services, eliminate financial barriers to professional licensing, and honor the contributions of the peer profession by creating the profession of certified peer specialists.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this



chapter unless the context clearly requires otherwise.

(1) "Advisory committee" means the Washington state certified peer specialist advisory committee established under section 4 of this act.

(2) "Approved supervisor" means:

(a) Until July 1, 2028, a behavioral health provider, as defined in RCW 71.24.025 with at least two years of experience working in a behavioral health practice that employs peer specialists as part of treatment teams; or

(b) A certified peer specialist who has completed:

(i) At least 1,500 hours of work as a fully certified peer specialist engaged in the practice of peer support services, with at least 500 hours attained through the joint supervision of peers in conjunction with another approved supervisor; and

(ii) The training developed by the health care authority under section 13 of this act.

(3) "Certified peer specialist" means a person certified under this chapter to engage in the practice of peer support services.

(4) "Certified peer specialist trainee" means an individual working toward the supervised experience and written examination requirements to become a certified peer specialist under this chapter.

(5) "Department" means the department of health.

(6) "Practice of peer support services" means the provision of interventions by either a person in recovery from a mental health condition or substance use disorder, or both, or the parent or legal guardian of a youth who is receiving or has received behavioral health services. The client receiving the interventions receives them from a person with a similar lived experience as either a person in recovery from a mental health condition or substance use disorder, or both, or the parent or legal guardian of a youth who is receiving or has received behavioral health services. The person provides the interventions through the use of shared experiences to assist a client in the acquisition and exercise of skills needed to support the client's recovery. Interventions may include activities that assist clients in accessing or engaging in treatment and in symptom management; promote social connection, recovery, and self-advocacy; provide guidance in the development of natural community supports and basic daily living skills; and support clients in engagement, motivation, and maintenance related to achieving and maintaining health and wellness goals.

(7) "Secretary" means the secretary of health.

**NEW SECTION. Sec. 3.** In addition to any other authority, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter;

(2) Establish all certification, examination, and renewal fees for certified

peer specialists in accordance with RCW 43.70.110 and 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Issue certificates to applicants who have met the education, training, and examination requirements for obtaining a certificate and to deny a certificate to applicants who do not meet the requirements;

(5) Coordinate with the health care authority to confirm an applicants' successful completion of the certified peer specialist education course offered by the health care authority under section 13 of this act and successful passage of the associated oral examination as proof of eligibility to take a qualifying written examination for applicants for obtaining a certificate;

(6) Establish practice parameters consistent with the definition of the practice of peer support services;

(7) Provide staffing and administrative support to the advisory committee;

(8) Determine which states have credentialing requirements equivalent to those of this state, and issue certificates to applicants credentialed in those states without examination;

(9) Define and approve any supervised experience requirements for certification;

(10) Assist the advisory committee with the review of peer counselor apprenticeship program applications in the process of being approved and registered under chapter 49.04 RCW;

(11) Adopt rules implementing a continuing competency program; and

(12) Establish by rule the procedures for an appeal of an examination failure.

**NEW SECTION. Sec. 4.** (1) The Washington state certified peer specialist advisory committee is established.

(2)(a) The advisory committee shall consist of 11 members. Nine members must be certified peer specialists. Those nine members shall be inclusive of mental health peers, substance use disorder peers, community-based peers, peers who work in clinical settings, youth peers, adult peers, parent or family peers, and peer supervisors. One member must represent community behavioral health agencies. One member must represent the public at large and may not be a credentialed behavioral health provider. The advisory committee shall be reflective of the community who receives peer services, including people who are Black, indigenous, people of color, and individuals who identify as LGBTQ. All members of the advisory committee must be residents of Washington state. Members may not hold an office in a professional association for peer specialists or be employed by the state. A majority of the members currently serving shall constitute a quorum.

(b) The members shall be appointed by the secretary to serve three-year terms which may be renewed. Initial members shall be appointed to staggered terms which may be less than three years. Initial membership may vary from the requirements in (a) of this subsection to account for the lack of

an available credential for certified peer specialists at the time the advisory committee is established. The advisory committee shall select a chair and vice chair.

(3) The department and the health care authority, as appropriate, are encouraged to adopt recommendations as submitted by the advisory committee on topics related to the administration of this chapter and provide their rationale for any formal recommendations of the advisory committee that either agency does not adopt, including:

(a) Advice and recommendations regarding the establishment or implementation of rules related to this chapter;

(b) Advice, recommendations, and consultation regarding professional boundaries, customary practices, and other aspects of peer support as it relates to complaints, investigations, and other disciplinary actions;

(c) Assistance and recommendations to enhance patient and client education;

(d) Assistance and recommendations regarding the written and oral examination to become a certified peer specialist and the examiners conducting the examinations, including recommendations to assure that the examinations, and the manner in which the examinations are administered, are culturally appropriate;

(e) Assistance and recommendations regarding any continuing education and continuing competency programs administered under the provisions of this chapter;

(f) Advice and guidance regarding criteria for certification based on prior experience as a peer specialist attained before July 1, 2025, as described in section 7(2) of this act;

(g) Recommendations for additional supports that may help those practicing as peer counselors as of the effective date of this section to become certified peer specialists;

(h) Advice and guidance on the feasibility and design of a two-phase certification program for peer specialists;

(i) Review of existing health care authority policies and procedures related to peer counselors;

(j) Advice on approving additional education and training entities, other than the health care authority, to conduct the course of instruction in section 13(1)(a) of this act to expand availability of the course, particularly among black, indigenous, people of color, and individuals who identify as LGBTQ;

(k) Advice on approving additional testing entities, other than the health care authority to administer the written and oral examination, including entities owned by black, indigenous, and people of color;

(l) Advice on long-term planning and growth for the future advancement of the peer specialist profession;

(m) Recommendations on recruitment and retention in the peer specialist profession, including among black, indigenous, people of color, and individuals who identify as LGBTQ; and

(n) Recommendations on strategies to eliminate financial barriers to licensing as a certified peer specialist.

(4) Committee members are immune from suit in an action, civil or criminal, based on the department's disciplinary proceedings or other official acts performed in good faith.

(5) Committee members shall be compensated in accordance with RCW 43.03.240, including travel expenses in carrying out his or her authorized duties in accordance with RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 5.** Beginning July 1, 2025, except as provided in section 13 of this act, the decision of a person practicing peer support services to become certified under this chapter is voluntary. A person may not use the title certified peer specialist unless the person holds a credential under this chapter.

**NEW SECTION. Sec. 6.** Nothing in this chapter may be construed to prohibit or restrict:

(1) An individual who holds a credential issued by this state, other than as a certified peer specialist or certified peer specialist trainee, to engage in the practice of an occupation or profession without obtaining an additional credential from the state. The individual may not use the title certified peer specialist unless the individual holds a credential under this chapter; or

(2) The practice of peer support services by a person who is employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States.

**NEW SECTION. Sec. 7.** (1) Beginning July 1, 2025, except as provided in subsections (2) and (3) of this section, the secretary shall issue a certificate to practice as a certified peer specialist to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following requirements:

(a) Submission of an attestation to the department that the applicant self-identifies as:

(i) A person with one or more years of recovery from a mental health condition, substance use disorder, or both; or

(ii) The parent or legal guardian of a youth who is receiving or has received behavioral health services;

(b) Successful completion of the education course developed and offered by the health care authority under section 13 of this act;

(c) Successful passage of an oral examination administered by the health care authority upon completion of the education course offered by the health care authority under section 13 of this act;

(d) Successful passage of a written examination administered by the health care authority upon completion of the education course offered by the health care authority under section 13 of this act;

(e) Successful completion of an experience requirement of at least 1,000 supervised hours as a certified peer specialist trainee engaged in the volunteer or paid practice of peer support services, in accordance with the standards in section 8 of this act; and

(f) Payment of the appropriate fee required under this chapter.

(2) The secretary, with the recommendation of the advisory committee, shall establish criteria for the issuance of a certificate to engage in the practice of peer support services based on prior experience as a peer specialist attained before July 1, 2025. The criteria shall establish equivalency standards necessary to be deemed to have met the requirements of subsection (1) of this section. An applicant under this subsection shall have until July 1, 2026, to complete any standards in which the applicant is determined to be deficient.

(3) The secretary, with the recommendation of the advisory committee, shall issue a certificate to engage in the practice of peer support services based on completion of an apprenticeship program registered and approved under chapter 49.04 RCW and reviewed by the advisory committee under section 3 of this act.

(4) A certificate to engage in the practice of peer support services is valid for two years. A certificate may be renewed upon demonstrating to the department that the certified peer specialist has successfully completed 30 hours of continuing education approved by the department. As part of the continuing education requirement, every six years the applicant must submit proof of successful completion of at least three hours of suicide prevention training and at least six hours of coursework in professional ethics and law, which may include topics under RCW 18.130.180.

**NEW SECTION. Sec. 8.** (1) Beginning July 1, 2025, the secretary shall issue a certificate to practice as a certified peer specialist trainee to any applicant who demonstrates to the satisfaction of the secretary that:

(a) The applicant meets the requirements of section 7 (1)(a), (b), (c), (d), and (4) of this act and is working toward the supervised experience requirements to become a certified peer specialist under this chapter; or

(b) The applicant is enrolled in an apprenticeship program registered and approved under chapter 49.04 RCW and approved by the secretary under section 3 of this act.

(2) An applicant seeking to become a certified peer specialist trainee under this section shall submit to the secretary for approval an attestation, in accordance with rules adopted by the department, that the certified peer specialist trainee is actively pursuing the supervised experience requirements of section 7(1)(d) of this act. This attestation must be updated with the trainee's annual renewal.

(3) A certified peer specialist trainee certified under this section may practice

only under the supervision of an approved supervisor. Supervision may be provided through distance supervision. Supervision may be provided by an approved supervisor who is employed by the same employer that employs the certified peer specialist trainee or by an arrangement made with a third-party approved supervisor to provide supervision, or a combination of both types of approved supervisors.

(4) A certified peer specialist trainee certificate is valid for one year and may only be renewed four times.

**NEW SECTION. Sec. 9.** (1) The date and location of written examinations must be established by the health care authority. Applicants who have been found by the health care authority to meet other requirements for obtaining a certificate must be scheduled for the next examination following the filing of the application. The health care authority shall establish by rule the examination application deadline.

(2) The health care authority shall administer written examinations to each applicant, by means determined most effective, on subjects appropriate to the scope of practice, as applicable. The examinations must be limited to the purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination materials, all grading of the materials, and the grading of any practical work must be preserved for a period of not less than one year after the health care authority has made and published the decisions. All examinations must be conducted under fair and wholly impartial methods.

(4) Any applicant failing to make the required grade in the first written examination may take up to three subsequent written examinations as the applicant desires upon prepaying a fee determined by the health care authority for each subsequent written examination. Upon failing four written examinations, the health care authority may invalidate the original application and require remedial education before the person may take future written examinations.

(5) The health care authority may approve a written examination prepared or administered by a private organization that credentials and renews credentials for peer counselors, or an association of credentialing agencies, for use by an applicant in meeting the credentialing requirements.

**NEW SECTION. Sec. 10.** The secretary shall establish, by rule, the requirements and fees for renewal of a certificate issued pursuant to this chapter. Fees must be established in accordance with RCW 43.70.110 and 43.70.250. Failure to renew the certificate invalidates the certificate and all privileges granted by the certificate. If a certificate has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the secretary by completing continuing

competency requirements or meeting other standards determined by the secretary.

**NEW SECTION. Sec. 11.** (1) The department, in consultation with the advisory committee, shall conduct an assessment and submit a report to the governor and the committees of the legislature with jurisdiction over health policy issues by December 1, 2027.

(2) The report in subsection (1) of this section shall provide:

(a) An analysis of the adequacy of the supply of certified peer specialists serving as approved supervisors pursuant to section 2(2)(b) of this act with respect to the ability to meet the anticipated supervision needs of certified peer specialist trainees upon the expiration of behavioral health providers serving as approved supervisors pursuant to section 2(2)(a) of this act;

(b) An assessment of whether or not it is necessary to extend the expiration of behavioral health providers serving as approved supervisors pursuant to section 2(2)(a) of this act in order to meet the anticipated supervision needs of certified peer specialist trainees; and

(c) Recommendations for increasing the supply of certified peer specialists serving as approved supervisors pursuant to section 2(2)(b) of this act, including any potential modifications to the requirements to become an approved supervisor.

**NEW SECTION. Sec. 12.** The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice of peer support services, the issuance and denial of certificates, and the discipline of certified peer specialists and certified peer specialist trainees under this chapter.

**NEW SECTION. Sec. 13.** A new section is added to chapter 71.24 RCW to read as follows:

(1)(a) By January 1, 2025, the authority must develop a course of instruction to become a certified peer specialist under chapter 18.--- RCW (the new chapter created in section 22 of this act). The course must be approximately 80 hours in duration and based upon the curriculum offered by the authority in its peer counselor training as of the effective date of this section, as well as additional instruction in the principles of recovery coaching and suicide prevention. The authority shall establish a peer engagement process to receive suggestions regarding subjects to be covered in the 80-hour curriculum beyond those addressed in the peer counselor training curriculum and recovery coaching and suicide prevention curricula, including the cultural appropriateness of the 80-hour training. The education course must be taught by certified peer specialists. The education course must be offered by the authority with sufficient frequency to accommodate the demand for training and the needs of the workforce. The authority must establish multiple configurations for offering the education course, including offering the course as an uninterrupted course with longer class hours

held on consecutive days for students seeking accelerated completion of the course and as an extended course with reduced daily class hours, possibly with multiple days between classes, to accommodate students with other commitments. Upon completion of the education course, the student must pass an oral examination administered by the course trainer.

(b) The authority shall develop an expedited course of instruction that consists of only those portions of the curriculum required under (a) of this subsection that exceed the authority's certified peer counselor training curriculum as it exists on the effective date of this section. The expedited training shall focus on assisting persons who completed the authority's certified peer counselor training as it exists on the effective date of this section to meet the education requirements for certification under section 7 of this act.

(2) By January 1, 2025, the authority must develop a training course for certified peer specialists providing supervision to certified peer specialist trainees under section 8 of this act.

(3)(a) By July 1, 2025, the authority shall offer a 40-hour specialized training course in peer crisis response services for individuals employed as peers who work with individuals who may be experiencing a behavioral health crisis. When offering the training course, priority for enrollment must be given to certified peer specialists employed in a crisis-related setting, including entities identified in (b) of this subsection. The training shall incorporate best practices for responding to 988 behavioral health crisis line calls, as well as processes for co-response with law enforcement when necessary.

(b) Beginning July 1, 2025, any entity that uses certified peer specialists as peer crisis responders, may only use certified peer specialists who have completed the training course established by (a) of this subsection. A behavioral health agency that uses certified peer specialists to work as peer crisis responders must maintain the records of the completion of the training course for those certified peer specialists who provide these services and make the records available to the state agency for auditing or certification purposes.

(4) By July 1, 2025, the authority shall offer a course designed to inform licensed or certified behavioral health agencies of the benefits of incorporating certified peer specialists and certified peer specialist trainees into their clinical staff and best practices for incorporating their services. The authority shall encourage entities that hire certified peer specialists and certified peer specialist trainees, including licensed or certified behavioral health agencies, hospitals, primary care offices, and other entities, to have appropriate staff attend the training by making it available in multiple formats.

(5) The authority shall:

(a) Hire clerical, administrative, investigative, and other staff as needed to implement this section to serve as examiners for any practical oral or written

examination and assure that the examiners are trained to administer examinations in a culturally appropriate manner and represent the diversity of applicants being tested. The authority shall adopt procedures to allow for appropriate accommodations for persons with a learning disability, other disabilities, and other needs and assure that staff involved in the administration of examinations are trained on those procedures;

(b) Develop oral and written examinations required under this section. The initial examinations shall be adapted from those used by the authority as of the effective date of this section and modified pursuant to input and comments from the Washington state peer specialist advisory committee. The authority shall assure that the examinations are culturally appropriate;

(c) Prepare, grade, and administer, or supervise the grading and administration of written examinations for obtaining a certificate;

(d) Approve entities to provide the educational courses required by this section and approve entities to prepare, grade, and administer written examinations for the educational courses required by this section. In establishing approval criteria, the authority shall consider the recommendations of the Washington state peer specialist advisory committee;

(e) Develop examination preparation materials and make them available to students enrolled in the courses established under this section in multiple formats, including specialized examination preparation support for students with higher barriers to passing the written examination; and

(f) The authority shall administer, through contract, a program to link eligible persons in recovery from behavioral health challenges who are seeking employment as peers with employers seeking to hire peers, including certified peer specialists. The authority must contract for this program with an organization that provides peer workforce development, peer coaching, and other peer supportive services. The contract must require the organization to create and maintain a statewide database which is easily accessible to eligible persons in recovery who are seeking employment as peers and potential employers seeking to hire peers, including certified peer specialists. The program must be fully implemented by July 1, 2024.

(6) For the purposes of this section, the term "peer crisis responder" means a peer specialist certified under chapter 18.--- RCW (the new chapter created in section 22 of this act) who has completed the training under subsection (3) of this section whose job involves responding to behavioral health emergencies, including those dispatched through a 988 crisis hotline or the 911 system.

**NEW SECTION. Sec. 14.** A new section is added to chapter 71.24 RCW to read as follows:

Behavioral health agencies must reduce the caseload for approved supervisors who

are providing supervision to certified peer specialist trainees seeking certification under chapter 18.--- RCW (the new chapter created in section 22 of this act), in accordance with standards established by the Washington state certified peer specialist advisory committee.

**NEW SECTION. Sec. 15.** A new section is added to chapter 71.24 RCW to read as follows:

(1) Beginning January 1, 2027, a person who engages in the practice of peer support services and who bills a health carrier or medical assistance or whose employer bills a health carrier or medical assistance for those services must hold an active credential as a certified peer specialist or certified peer specialist trainee under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(2) A person who is registered as an agency-affiliated counselor under chapter 18.19 RCW who engages in the practice of peer support services and whose agency, as defined in RCW 18.19.020, bills medical assistance for those services must hold a certificate as a certified peer specialist or certified peer specialist trainee under chapter 18.--- RCW (the new chapter created in section 22 of this act) no later than January 1, 2027.

**NEW SECTION. Sec. 16.** A new section is added to chapter 48.43 RCW to read as follows:

By July 1, 2026, each carrier shall provide access to services provided by certified peer specialists and certified peer specialist trainees in a manner sufficient to meet the network access standards set forth in rules established by the office of the insurance commissioner.

**Sec. 17.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates— independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; ~~(and)~~

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; and

(xxvii) Certified peer specialists and certified peer specialist trainees under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 18.** RCW 18.130.040 and 2022 c 217 s 5 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates— independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW;

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; (~~and~~)

(xxvii) Birth doula certified under chapter 18.47 RCW; and

(xxviii) Certified peer specialists and certified peer specialist trainees under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.

**Sec. 19.** RCW 18.130.175 and 2022 c 43 s 10 are each amended to read as follows:

(1) In lieu of disciplinary action under RCW 18.130.160 and if the disciplining authority determines that the unprofessional conduct may be the result of an applicable impairing or potentially impairing health condition, the disciplining authority may refer the license holder to a physician health program or a voluntary substance use disorder monitoring program approved by the disciplining authority.

The cost of evaluation and treatment shall be the responsibility of the license

holder, but the responsibility does not preclude payment by an employer, existing insurance coverage, or other sources. Evaluation and treatment shall be provided by providers approved by the entity or the commission. The disciplining authority may also approve the use of out-of-state programs. Referral of the license holder to the physician health program or voluntary substance use disorder monitoring program shall be done only with the consent of the license holder. Referral to the physician health program or voluntary substance use disorder monitoring program may also include probationary conditions for a designated period of time. If the license holder does not consent to be referred to the program or does not successfully complete the program, the disciplining authority may take appropriate action under RCW 18.130.160 which includes suspension of the license unless or until the disciplining authority, in consultation with the director of the applicable program, determines the license holder is able to practice safely. The secretary shall adopt uniform rules for the evaluation by the disciplining authority of return to substance use or program violation on the part of a license holder in the program. The evaluation shall encourage program participation with additional conditions, in lieu of disciplinary action, when the disciplining authority determines that the license holder is able to continue to practice with reasonable skill and safety.

(2) In addition to approving the physician health program or the voluntary substance use disorder monitoring program that may receive referrals from the disciplining authority, the disciplining authority may establish by rule requirements for participation of license holders who are not being investigated or monitored by the disciplining authority. License holders voluntarily participating in the approved programs without being referred by the disciplining authority shall not be subject to disciplinary action under RCW 18.130.160 for their impairing or potentially impairing health condition, and shall not have their participation made known to the disciplining authority, if they meet the requirements of this section and the program in which they are participating.

(3) The license holder shall sign a waiver allowing the program to release information to the disciplining authority if the licensee does not comply with the requirements of this section or is unable to practice with reasonable skill or safety. The physician health program or voluntary substance use disorder program shall report to the disciplining authority any license holder who fails to comply with the requirements of this section or the program or who, in the opinion of the program, is unable to practice with reasonable skill or safety. License holders shall report to the disciplining authority if they fail to comply with this section or do not complete the program's requirements. License holders may, upon the agreement of the program and disciplining authority, reenter the program if they have previously failed to comply with this section.

(4) Program records including, but not limited to, case notes, progress notes, laboratory reports, evaluation and treatment records, electronic and written correspondence within the program, and between the program and the participant or other involved entities including, but not limited to, employers, credentialing bodies, referents, or other collateral sources, relating to license holders referred to or voluntarily participating in approved programs are confidential and exempt from disclosure under chapter 42.56 RCW and shall not be subject to discovery by subpoena or admissible as evidence except:

(a) To defend any civil action by a license holder regarding the restriction or revocation of that individual's clinical or staff privileges, or termination of a license holder's employment. In such an action, the program will, upon subpoena issued by either party to the action, and upon the requesting party seeking a protective order for the requested disclosure, provide to both parties of the action written disclosure that includes the following information:

(i) Verification of a health care professional's participation in the physician health program or voluntary substance use disorder monitoring program as it relates to aspects of program involvement at issue in the civil action;

(ii) The dates of participation;

(iii) Whether or not the program identified an impairing or potentially impairing health condition;

(iv) Whether the health care professional was compliant with the requirements of the physician health program or voluntary substance use disorder monitoring program; and

(v) Whether the health care professional successfully completed the physician health program or voluntary substance use disorder monitoring program; and

(b) Records provided to the disciplining authority for cause as described in subsection (3) of this section. Program records relating to license holders mandated to the program, through order or by stipulation, by the disciplining authority or relating to license holders reported to the disciplining authority by the program for cause, must be released to the disciplining authority at the request of the disciplining authority. Records held by the disciplining authority under this section are exempt from chapter 42.56 RCW and are not subject to discovery by subpoena except by the license holder.

(5) This section does not affect an employer's right or ability to make employment-related decisions regarding a license holder. This section does not restrict the authority of the disciplining authority to take disciplinary action for any other unprofessional conduct.

(6) A person who, in good faith, reports information or takes action in connection with this section is immune from civil liability for reporting information or taking the action.

(a) The immunity from civil liability provided by this section shall be liberally construed to accomplish the purposes of this



section, and applies to both license holders and students and trainees when students and trainees of the applicable professions are served by the program. The persons entitled to immunity shall include:

(i) An approved physician health program or voluntary substance use disorder monitoring program;

(ii) The professional association affiliated with the program;

(iii) Members, employees, or agents of the program or associations;

(iv) Persons reporting a license holder as being possibly impaired or providing information about the license holder's impairment; and

(v) Professionals supervising or monitoring the course of the program participant's treatment or rehabilitation.

(b) The courts are strongly encouraged to impose sanctions on program participants and their attorneys whose allegations under this subsection are not made in good faith and are without either reasonable objective, substantive grounds, or both.

(c) The immunity provided in this section is in addition to any other immunity provided by law.

(7) In the case of a person who is applying to be a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW, an agency affiliated counselor registered under chapter 18.19 RCW, or a peer specialist or peer specialist trainee certified under chapter 18.--- RCW (the new chapter created in section 22 of this act), if the person is:

(a) Less than one year in recovery from a substance use disorder, the duration of time that the person may be required to participate in an approved substance use disorder monitoring program may not exceed the amount of time necessary for the person to achieve one year in recovery; or

(b) At least one year in recovery from a substance use disorder, the person may not be required to participate in the approved substance use disorder monitoring program.

~~(8) ((In the case of a person who is applying to be an agency affiliated counselor registered under chapter 18.19 RCW and practices or intends to practice as a peer counselor in an agency, as defined in RCW 18.19.020, if the person is:~~

~~(a) Less than one year in recovery from a substance use disorder, the duration of time that the person may be required to participate in the approved substance use disorder monitoring program may not exceed the amount of time necessary for the person to achieve one year in recovery; or~~

~~(b) At least one year in recovery from a substance use disorder, the person may not be required to participate in the approved substance use disorder monitoring program))~~The provisions of subsection (7) of this section apply to any person employed as a peer specialist as of July 1, 2025, participating in a program under this section as of July 1, 2025, and applying to become a certified peer specialist under section 7 of this act, regardless of when the person's participation in a program began. To this extent, subsection (7) of

this section applies retroactively, but in all other respects it applies prospectively.

**Sec. 20.** RCW 43.43.842 and 2021 c 215 s 150 are each amended to read as follows:

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having unsupervised access with a vulnerable adult shall not be the respondent in an active vulnerable adult protection order under chapter 7.105 RCW, nor have been: (i) Convicted of a crime against children or other persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; or (iii) found in any disciplinary board final decision to have abused a vulnerable adult as defined in RCW 43.43.830.

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(f) The department of social and health services reviewed the employee's otherwise disqualifying criminal history through the department of social and health services' background assessment review team process conducted in 2002, and determined that such employee could remain in a position covered by this section; or

(g) The otherwise disqualifying conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure.

The offenses set forth in (a) through (g) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

(3) The rules adopted pursuant to subsection (2) of this section may not allow a licensee to automatically deny an applicant with a conviction for an offense set forth in subsection (2) of this section for a position as a substance use disorder professional or substance use disorder professional trainee certified under chapter 18.205 RCW, as an agency affiliated counselor registered under chapter 18.19 RCW practicing as a peer counselor in an agency or facility, or as a peer specialist or peer specialist trainee certified under chapter 18.--- RCW (the new chapter created in section 22 of this act), if:

(a) At least one year has passed between the applicant's most recent conviction for an offense set forth in subsection (2) of this section and the date of application for employment;

(b) The offense was committed as a result of the applicant's substance use or untreated mental health symptoms; and

(c) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from a mental health disorder.

(4) ~~((The rules adopted pursuant to subsection (2) of this section may not allow a licensee to automatically deny an applicant with a conviction for an offense set forth in subsection (2) of this section for a position as an agency affiliated counselor registered under chapter 18.19 RCW practicing as a peer counselor in an agency or facility if:~~

~~(a) At least one year has passed between the applicant's most recent conviction for an offense set forth in subsection (2) of this section and the date of application for employment;~~

~~(b) The offense was committed as a result of the person's substance use or untreated mental health symptoms; and~~

~~(c) The applicant is at least one year in recovery from a substance use disorder, whether through abstinence or stability on medication-assisted therapy, or in recovery from mental health challenges.~~

(5)) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter of the staff of each agency or facility under their respective

jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

**Sec. 21.** RCW 43.70.250 and 2019 c 415 s 966 are each amended to read as follows:

(1) It shall be the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business.

(2) The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by the department. Any and all fees or assessments, or both, levied on the state to cover the costs of the operations and activities of the interstate health professions licensure compacts with participating authorities listed under chapter 18.130 RCW shall be borne by the persons who hold licenses issued pursuant to the authority and procedures established under the compacts. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program and the cost of regulating licensed volunteer medical workers in accordance with RCW 18.130.360, except as provided in RCW 18.79.202. In no case may the secretary ~~((increase a licensing fee for an ambulatory surgical facility licensed under chapter 70.230 RCW during the 2019-2021 fiscal biennium, nor may he or she commence the adoption of rules to increase a licensing fee during the 2019-2021 fiscal biennium))~~ impose any certification, examination, or renewal fee upon a person seeking certification as a certified peer specialist trainee under chapter 18.---

RCW (the new chapter created in section 22 of this act) or, between July 1, 2025, and July 1, 2030, impose a certification, examination, or renewal fee of more than \$100 upon any person seeking certification as a certified peer specialist under chapter 18.--- RCW (the new chapter created in section 22 of this act).

(3) All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. **Sec. 22.** Sections 1 through 12 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. **Sec. 23.** Section 17 of this act expires October 1, 2023.

NEW SECTION. **Sec. 24.** Section 18 of this act takes effect October 1, 2023.

NEW SECTION. **Sec. 25.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Riccelli, Chair; Bateman, Vice Chair; Bronoske; Davis; Harris; Macri; Orwall; Simmons; Stonier; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representative Schmick, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Hutchins, Assistant Ranking Minority Member; Barnard; Graham; Maycumber; and Mosbrucker.

Referred to Committee on Appropriations

March 28, 2023

SSB 5720 Prime Sponsor, Business, Financial Services, Gaming & Trade: Concerning risk mitigation in property insurance. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.18.558 and 2018 c 239 s 2 are each amended to read as follows:

(1) With the prior approval of the commissioner, a property insurer may include the following either goods or services, or both, intended to reduce either the probability of loss, or the extent of loss, or both, from a covered event as part of a policy of property insurance(~~(, except commercial property insurance)~~):

- (a) Goods, including a water monitor;
- (b) Foundation strapping to mitigate losses due to earthquake;
- (c) Ongoing services, including home safety monitoring or brush clearing to mitigate losses due to wildfire; and
- (d) Other either goods or services, or both, as the commissioner may identify by rule.

(2) Any goods provided are owned by the insured, even if the insurance is subsequently canceled.

(3) The value of goods and services to be provided is limited to ~~((one thousand five hundred dollars))~~ \$7,500 or ten percent of the annual policy premium, whichever is greater, in value in the aggregate in any ((twelve-month)) 12-month period.

(4) In order to receive prior approval of the commissioner, and except as provided in subsection (6) of this section, the property insurer must include the following in its rate filing:

(a) A description of either the specific goods or services, or both, to be offered;

(b) A description of the method of delivering either the specific goods or services, or both, being offered; and

(c) The selection criteria for insureds receiving either the specific goods or services, or both, being offered.

(5) This section does not require the commissioner to approve any particular proposed benefit. The commissioner may disapprove any proposed noninsurance benefit that the commissioner determines may tend to promote or facilitate the violation of any other section of this title. However, if the commissioner approves the inclusion of either the goods or services, or both, in a policy of property insurance (~~(, except commercial property insurance,)~~) it does not constitute a violation of RCW 48.30.140 or 48.30.150.

(6)(a) A property insurer may conduct a pilot program as either a risk mitigation or prevention, or both, strategy through which the insurer offers or provides risk mitigation and/or prevention goods and/or services identified in subsection (1) of this section in connection with an insurance policy covering property risks (~~(, except commercial property insurance,)~~) in accordance with rules adopted by the commissioner.

(b) A property insurer offering or providing risk mitigation and/or prevention goods and/or services through a pilot program under this subsection is exempt from including information about the risk mitigation and/or prevention goods and/or services in its rate filing as is otherwise required under subsection (4) of this section and RCW 48.19.530.

(c) A property insurer's pilot program may last no longer than two years.

(7) This section does not apply to disaster or emergency response activities of a property insurer.

(8)(a) The commissioner must provide a report to the legislature in accordance with (b) of this subsection that includes to the extent possible based on information provided to the commissioner:

(i) The total number of new property insurance policies that were issued with goods or services, or both, as part of the policy and authorized under this section, including the number of new property insurance policies that were commercial property insurance policies and the number that were residential property insurance policies;

(ii) The number of new commercial property insurance policies that were issued with goods or services, or both, as part of the policy and authorized under this section and the goods or services, or both, were valued as follows:

- (A) Up to \$1,499;
- (B) Between \$1,500 and \$4,999;
- (C) Between \$5,000 and \$7,499; and
- (D) Equal to or greater than \$7,500;

(iii) The number of new residential property insurance policies that were issued with goods or services, or both, as part of the policy and authorized under this section and the goods or services, or both, were valued as follows:

- (A) Up to \$1,499;
- (B) Between \$1,500 and \$4,999;

(C) Between \$5,000 and \$7,499; and  
(D) Equal to or greater than \$7,500;

(iv) In providing its report, the commissioner shall rely on information currently held by the commissioner or submitted in routine filings by insurers held by the commissioner. In preparing reports under this subsection, the commissioner shall not demand additional data or information from insurers under RCW 48.02.060 or 48.37.040.

(b) The commissioner's first report must be delivered to the legislature no later than September 1, 2024, and include the information required under this subsection (8) for new property insurance policies issued between August 1, 2023, and August 1, 2024. Thereafter, the commissioner must report the information required under this subsection (8) to the legislature by September 1st of every even-numbered year, which report must include information from new property insurance policies issued between August 1st of the preceding even-numbered year and the year the report is due.

**Sec. 2.** RCW 48.18.559 and 2018 c 239 s 4 are each amended to read as follows:

The commissioner may adopt rules as necessary to implement RCW 48.18.558 and 48.19.530, including but not limited to:

(1) Rules requiring a notice to insureds or potential insureds regarding their ability to opt out of receiving any risk mitigation and/or prevention goods and/or services;

~~(2) ((Rules increasing the value of either the goods or services, or both, permitted under RCW 48.18.558(1));~~

~~(3))~~ Rules establishing requirements for pilot programs authorized under RCW 48.18.558(6); and

~~((4))~~ (3) Rules identifying which insurer disaster or emergency response activities are exempt from RCW 48.18.558 and 48.19.530 and RCW 48.30.140 and 48.30.150.

**Sec. 3.** RCW 48.19.530 and 2018 c 239 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, in addition to other information required by this chapter, a rate filing by a property insurer for a policy ~~((except commercial property insurance,))~~ that includes risk mitigation and/or prevention goods and/or services under RCW 48.18.558, must demonstrate that its rates account for the expected costs of the goods and services and the reduction in expected claims costs resulting from either the goods or services, or both.

(2) This section does not apply to:

(a) A property insurer offering or providing risk mitigation and/or prevention goods and/or services through a pilot program established in RCW 48.18.558(6); or

(b) Disaster or emergency response activities of a property insurer."

Correct the title.

Signed by Representatives Walen, Chair; Reeves, Vice Chair; Corry, Ranking Minority Member; McClintock, Assistant

Ranking Minority Member; Chapman; Cheney; Connors; Donaghy; Hackney; Ryu; Sandlin; Santos and Volz.

Referred to Committee on Rules for second reading

There being no objection, the bills and memorial listed on the day's first and second supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., Thursday, March 30, 2023, the 81st Day of the 2023 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

EIGHTY FIRST DAY

House Chamber, Olympia, Thursday, March 30, 2023

SUBSTITUTE HOUSE BILL NO. 1784

The House was called to order at 9:55 a.m. by the Speaker (Representative Bronoske presiding).

and the same are herewith transmitted.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

Colleen Rust, Deputy Secretary

Wednesday, March 29, 2023

RESOLUTION

Mme. Speaker:

**HOUSE RESOLUTION NO. 2023-4632**, by Representatives Taylor, Ramel, Duerr, Schmick, Berry, Wylie, Thai, Orwall, Riccelli, Alvarado, Chapman, Chopp, Shavers, Walen, Bronoske, Ryu, Doglio, Leavitt, Berg, Fosse, Goodman, Santos, Gregerson, Mosbrucker, Street, Farivar, Klicker, Ramos, Cortes, Kloba, Macri, Simmons, and Senn

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5187

and the same is herewith transmitted.

Sarah Bannister, Secretary

Wednesday, March 29, 2023

WHEREAS, March was recognized as Developmental Disabilities Awareness Month by former President Ronald Reagan in 1987, through Proclamation 5613; and

Mme. Speaker:

WHEREAS, Washington State has over 170,000 people with developmental disabilities primarily living in the community with their families; and

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272

and the same is herewith transmitted.

Colleen Rust, Deputy Secretary

Wednesday, March 29, 2023

WHEREAS, Washington families care for their loved ones with developmental disabilities. Families, especially those caring for young children and senior families caring for adult children, experience diminished employment opportunities, housing insecurities, and a woefully undersupported caregiving workforce; and

Mme. Speaker:

WHEREAS, Washington state toddlers with developmental disabilities may begin experiencing discrimination and isolation at a young age, in child care centers and preschool settings; and

The President has signed:

- SENATE BILL NO. 5023
- SUBSTITUTE SENATE BILL NO. 5028
- SENATE BILL NO. 5041
- SENATE BILL NO. 5089
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5143
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5179
- SENATE BILL NO. 5192
- SENATE BILL NO. 5295
- SENATE BILL NO. 5319
- SENATE BILL NO. 5342
- SENATE BILL NO. 5370
- SENATE BILL NO. 5421
- SUBSTITUTE SENATE BILL NO. 5439
- SENATE BILL NO. 5553
- SUBSTITUTE SENATE BILL NO. 5627
- ENGROSSED SENATE BILL NO. 5650
- SENATE BILL NO. 5700

and the same are herewith transmitted.

Colleen Rust, Deputy Secretary

WHEREAS, Washington state students with developmental disabilities are often isolated in school, segregated in the learning environment, have lower graduation rates, and are more isolated after graduation than their nondisabled peers; and

WHEREAS, Developmentally disabled Washingtonians of color, developmentally disabled Washingtonians with language access needs, developmentally disabled Washingtonians who are gender nonbinary, lesbian, gay, bi-sexual, transgendered, and gender and sexuality questioning, are at greater risk for living in poverty and isolation than their nondisabled, cis-gendered, heterosexual peers;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives support the resilience and courage of Washingtonians with developmental disabilities by highlighting their stories, their needs, and their hopes for thriving and inclusion in community-based settings.

HOUSE RESOLUTION NO. 4632 was adopted.

There being no objection, the House advanced to the third order of business.

MESSAGES FROM THE SENATE

Wednesday, March 29, 2023

Mme. Speaker:

The Senate has passed:

- HOUSE BILL NO. 1001
- HOUSE BILL NO. 1058
- HOUSE BILL NO. 1082
- HOUSE BILL NO. 1100
- HOUSE BILL NO. 1120

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 1853 by Representative Fey

AN ACT Relating to making certain corrective changes resulting from the enactment of chapter 182, Laws of 2022 (transportation resources); amending RCW 46.17.015, 46.17.025, 81.104.170, 81.104.175, 47.04.380, 47.04.390, 46.68.480, 43.84.092, 43.84.092, 47.66.140, and 43.392.040; reenacting and amending RCW 47.04.010; adding a new section to chapter 47.04 RCW; creating new sections; recodifying RCW 47.24.060; providing effective dates; and providing an expiration date.

Referred to Committee on Transportation.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

**FIRST SUPPLEMENTAL INTRODUCTION & FIRST READING**

ESSB 5187 by Senate Committee on Ways & Means (originally sponsored by Rolfes, Robinson and Nguyen)

AN ACT Relating to fiscal matters; amending RCW 19.02.210, 28B.92.205, 28B.93.060, 41.05.120, 41.26.450, 43.79.555, 43.79.567, 43.320.110, 50.24.014, 70.48.801, 70A.65.100, 70A.65.250, 70A.305.180, 74.46.561, 79.64.040, 79A.25.210, 28B.76.526, and 74.46.561; amending 2022 c 297 ss 101, 102, 103, 113, 114, 116, 117, 120, 121, 122, 126, 128, 129, 130, 133, 134, 135, 136, 137, 141, 142, 143, 146, 147, 148, 150, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 214, 215, 216, 218, 219, 220, 221, 222, 223, 225, 226, 227, 228, 229, 230, 301, 303, 304, 305, 306, 307, 308, 310, 311, 312, 402, 501, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 515, 516, 517, 518, 520, 522, 602, 603, 604, 605, 606, 607, 608, 609, 610, 612, 613, 614, 615, 616, 702, 703, 704, 713, 714, 723, 731, 801, 802, 803, and 804 and 2021 c 334 ss 109, 110, and 747 (uncodified); reenacting and amending RCW 43.101.200, 70A.65.030, 71.24.580, 79.64.110, and 70A.65.030; adding a new section to 2022 c 297 (uncodified); creating new sections; making appropriations; providing expiration dates; and declaring an emergency.

SCR 8407 by Senators Pedersen and Short

Adopting joint rules.

There being no objection, the bills listed on the day's supplemental introduction sheet will be considered first reading under the fourth order of business and under suspension of the rules, will be placed on the second reading calendar.

There being no objection, the House adjourned until 9:55 a.m., Friday, March 31, 2023, the 82nd Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

## SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

## EIGHTY SECOND DAY

House Chamber, Olympia, Friday, March 31, 2023

The House was called to order at 9:55 a.m. by the Speaker.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

## RESOLUTION

**HOUSE RESOLUTION NO. 2023-4633**, by Representatives Stonier, Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Jinkins, Kloba, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wilcox, and Wylie

WHEREAS, Former Representative James Carl (Jim) Moeller was a native of Vancouver who spent more than two decades in elected office, serving two terms as a Vancouver City Council member and 14 years as a state representative from Washington's 49th legislative district; and

WHEREAS, Jim was a proud graduate of Fort Vancouver High School, Washington State University, and the Mark Hatfield School of Government at Portland State University; and

WHEREAS, He used his education in a career as a social worker, behavioral health counselor, and chemical dependency counselor, helping others to overcome significant hurdles and lead full, free lives; and

WHEREAS, In 2002, as he approached the end of his second four-year term on the Vancouver City Council, Jim looked north toward Olympia and, after a successful campaign, was sworn in for the first of his seven two-year terms representing his southwest Washington friends and neighbors in the Washington State House of Representatives; and

WHEREAS, During the last three of those seven two-year terms in the Legislature, Jim served as Speaker Pro Tempore of the House of Representatives, a leadership position to which he was elected by the full membership of the House; and

WHEREAS, In his position as Speaker Pro Tem, he presided over an estimated 80 percent of the House floor debates and votes that occurred from 2011 to 2016, gaining a reputation for wielding the gavel with impartiality, respect for the institution and its elected members, and a deep concern for the integrity of the legislative process; and

WHEREAS, In addition to his duties as Speaker Pro Tem, which earned him the affectionate nickname of "Mr. Speaker," Jim played a part in developing and passing some of the most significant pieces of legislation enacted during his tenure in the House, serving as a member of the House committees on Rules, Transportation, Labor & Workforce Development, Community and Economic Development & Trade, and, appropriately given his lifelong career, Healthcare & Wellness; and

WHEREAS, Jim worked throughout much of his legislative tenure to make progress on replacing the aging bridge on Interstate 5 linking Washington and Oregon; and

WHEREAS, His dedication to his community and his state was apparent in countless ways, including service as cochair of the Joint Committee on Veterans & Military Affairs, cochair of the Senate/House Joint Taskforce on Public Health Financing, honorary board member of the Big Brothers/Big Sisters, vice chair of the Association of Washington Cities, member of the YWCA

Diversity Task Force, founding member of Clark County Pride, and a founding member of Hands Off Washington, and many others; and

WHEREAS, Jim was a proud gay man who worked tirelessly in the Legislature and in his private life to help Washingtonians realize the goal of marriage equality which became the law of the land on December 6, 2012; and

WHEREAS, Jim was himself the target of discrimination based on his choosing to live a life of public service as an out gay man, but never lost his conviction that government was his highest calling, often reminding others of President John F. Kennedy's quote, "Let the public service be a proud and honorable profession"; and

WHEREAS, Jim Moeller, "Mr. Speaker," with his ever-present bow tie, gentle smile, and twinkling eye, was himself an institution within the institution of government that he loved, served, and improved in countless ways;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor former Representative Jim Moeller as well as his dedication and service to the citizens of Washington State.

HOUSE RESOLUTION NO. 4633 was adopted.

There being no objection, the House advanced to the third order of business.

## MESSAGE FROM THE SENATE

Thursday, March 30, 2023

Mme. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5272

and the same is herewith transmitted.

Sarah Bannister, Secretary

There being no objection, the House advanced to the fifth order of business.

## REPORTS OF STANDING COMMITTEES

March 29, 2023

HB 1125

Prime Sponsor, Representative Fey: Making transportation appropriations for the 2023-2025 fiscal biennium. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Orcutt; Ramel; Ramos; Schmidt; Taylor; Volz; Walsh and Wylie.

March 30, 2023

E2SSB 5001 Prime Sponsor, Transportation: Concerning public facility districts created by at least two city or county legislative authorities. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Local Government. Signed by Representatives Berg, Chair; Street, Vice Chair; Chopp; Ramel; Santos; Springer; Thai; Walen and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Stokesbary.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; and Barnard.

Referred to Committee on Rules for second reading

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 with the exception of HOUSE BILL NO. 1125 which was placed on the second reading calendar.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

HOUSE BILL NO. 1001  
HOUSE BILL NO. 1058  
HOUSE BILL NO. 1082  
HOUSE BILL NO. 1100  
HOUSE BILL NO. 1120  
SUBSTITUTE HOUSE BILL NO. 1784  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5272

There being no objection, the House adjourned until 1:30 p.m., Monday, April 3, 2023, the 85th Day of the 2023 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk