

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
- (b 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

4627	Introduced.	1	5592	Other Action.	19
	Adopted.	1		Committee Report.	15
5003	Other Action.	19	5614-S	Committee Report.	15
5006-S	Committee Report.	1	5632	Committee Report.	18
5023	Committee Report.	7	5729-S	Other Action.	19
5028-S	Committee Report.	7			
5033-S	Other Action.	19			
5041	Committee Report.	7			
5046-S2	Committee Report.	7			
5079	Other Action.	19			
5087-S	Committee Report.	8			
5089	Committee Report.	8			
5096-S	Committee Report.	8			
5114-S	Committee Report.	11			
5124-S	Committee Report.	11			
5142-S	Other Action.	19			
5143-S	Committee Report.	11			
5192	Committee Report.	12			
5198-S2	Other Action.	19			
5217-S	Committee Report.	12			
5225-S2	Committee Report.	12			
5256-S	Committee Report.	12			
5268-S2	Committee Report.	12			
5275-S	Other Action.	19			
5286-S	Committee Report.	12			
5295	Committee Report.	12			
5317-S	Committee Report.	12			
5341	Committee Report.	14			
5342	Committee Report.	14			
5347	Committee Report.	14			
5358-S	Committee Report.	14			
5370	Committee Report.	14			
5385	Committee Report.	14			
5394	Other Action.	19			
5415-S	Committee Report.	14			
5419	Committee Report.	15			
5439-S	Committee Report.	15			
5490-S	Other Action.	19			
5569-S					