SIXTY SIXTH LEGISLATURE - REGULAR SESSION

FIFTY SEVENTH DAY

House Chamber, Olympia, Monday, March 11, 2019

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mallory Stonier and Rory McDonald. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Jon Cardona, Westwood Baptist Church, Olympia, Washington.

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

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

MESSAGES FROM THE SENATE

March 9, 2019

MR. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5091,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5393,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5600,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5688,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5853,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 9, 2019

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5532,
SENATE BILL NO. 5635,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

INTRODUCTION & FIRST READING

HB 2143 by Representatives Mosbrucker and Pettigrew

AN ACT Relating to implementing a Travis alert system; adding a new section to chapter 38.52 RCW; adding a new section to chapter 42.56 RCW; and making an appropriation.

Referred to Committee on Housing, Community Development & Veterans.

SSB 5096 by Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by O'Ban)

AN ACT Relating to short-term case aides that provide temporary assistance for foster parents; and amending RCW 74.13.270.

Referred to Committee on Human Services & Early Learning.

SSB 5167 by Senate Committee on Financial Institutions, Economic Development & Trade (originally sponsored by Hasegawa, Saldaña, Darneille, Frockt, Keiser, Nguyen and Mullet)

AN ACT Relating to the linked deposit program; amending RCW 43.86A.030 and 43.63A.690; reenacting and amending RCW 43.86A.060; adding a new section to chapter 39.19 RCW; and recodifying RCW 43.63A.690.

Referred to Committee on Appropriations.

SSB 5175 by Senate Committee on Labor & Commerce (originally sponsored by Braun, Keiser, Becker, Fortunato, Palumbo, Wilson, L., Rivers, Kuderer, O'Ban, Van De Wege and Wagoner)

AN ACT Relating to firefighter safety; and adding new sections to chapter 51.04 RCW.

Referred to Committee on Appropriations.

2SSB 5236 by Senate Committee on Ways & Means (originally sponsored by Keiser, Conway,

Wellman, Braun, Saldaña, Hasegawa, Wilson, C., Kuderer, Takko, Das and Frockt)

AN ACT Relating to encouraging apprenticeships; amending RCW 28B.77.230; adding a new section to chapter 49.04 RCW; and creating a new section.

Referred to Committee on Appropriations.

SB 5360 by Senators Conway, Hobbs, Saldaña, Dhingra, Keiser, Pedersen and Hunt

AN ACT Relating to plan membership default provisions in the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system; amending RCW 41.32.835, 41.35.610, and 41.40.785; and declaring an emergency.

Referred to Committee on Appropriations.

SSB 5388 by Senate Committee on Ways & Means (originally sponsored by Becker, Bailey, Cleveland, Hunt, Short, O'Ban, King, Keiser, Walsh, Wilson, L., Darneille, Warnick, Honeyford, Brown, Billig, Hasegawa, Van De Wege, Wagoner and Kuderer)

AN ACT Relating to establishing a training course for campaign treasurers; reenacting and amending RCW 42.17A.210; and adding a new section to chapter 42.17A RCW.

Referred to Committee on Appropriations.

SSB 5405 by Senate Committee on Health & Long Term Care (originally sponsored by Padden, Randall, Zeiger, Fortunato, Billig, Wilson, C., Nguyen and Kuderer)

AN ACT Relating to nondiscrimination in access to organ transplants; adding a new chapter to Title 68 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

SSB 5443 by Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Van De Wege and Zeiger)

AN ACT Relating to the state board of registration for professional engineers and land surveyors; amending RCW 18.43.020, 18.43.050, 18.43.060, 18.43.070, 18.43.080, 18.43.100, 18.43.110, 18.43.130, 18.43.150, 18.210.010, 18.210.050, 18.210.120, 18.210.140, 18.43.035, 70.118.120, 18.235.010, and 18.210.200; adding a new section to chapter 18.43 RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 5550 by Senate Committee on Ways & Means (originally sponsored by Saldaña, Warnick, Conway, Das, Hasegawa, Keiser, King, Rolfes and Van De Wege)

AN ACT Relating to implementing the recommendations of the pesticide application safety work group; adding a new section to chapter 70.104 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Appropriations.

SB 5640 by Senators Holy, Pedersen, Wellman, Billig, Padden, Becker, Warnick, Short, Hasegawa, Walsh, Bailey, Wilson, C. and Kuderer

AN ACT Relating to youth courts; and amending RCW 3.72.005, 3.72.010, 3.72.020, 3.72.040, and 7.80.010.

Referred to Committee on Civil Rights & Judiciary.

SB 5651 by Senators King, Saldaña, Walsh, Darneille, Das, Wilson, C. and Hasegawa

AN ACT Relating to establishing a kinship care legal aid coordinator; amending RCW 74.13.621; adding a new section to chapter 2.53 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

2SSB 5672 by Senate Committee on Ways & Means (originally sponsored by Cleveland, O'Ban, Walsh, Wellman, Darneille, Dhingra, Hunt, Keiser, Frockt, Kuderer, Nguyen and Saldaña)

AN ACT Relating to adult family home specialty services; and adding a new section to chapter 70.128 RCW.

Referred to Committee on Appropriations.

SSB 5876 by Senate Committee on Ways & Means (originally sponsored by Darneille, Rivers, Rolfes, Wilson, C., Kuderer, Walsh, Randall, Brown, Keiser, Saldaña, Frockt, Warnick, Cleveland, Das and Nguyen)

AN ACT Relating to creating a gender-responsive and trauma-informed work group within the department of corrections; amending RCW 72.09.010, 72.09.015, and 43.06C.040; creating a new section; and providing an expiration date.

Referred to Committee on Appropriations.

SB 5923 by Senators Hobbs, King and Lovelett

AN ACT Relating to establishing an emergency loan program to be administered by the county road administration board; amending RCW 36.78.070;

reenacting and amending RCW 43.79A.040; adding new sections to chapter 36.78 RCW; and creating a new section.

Referred to Committee on Transportation.

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

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

SECOND READING

HOUSE BILL NO. 1537, by Representatives Springer and Van Werven

Concerning sunshine committee recommendations.

The bill was read the second time.

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

Representatives Springer and Walsh spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Mead, Representative Hansen was excused.

On motion of Representative Griffey, Representative Sutherland was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1537.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1537, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Hansen and Sutherland.

HOUSE BILL NO. 1537, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1126, by Representatives Morris, Ryu, Wylie, Kloba and Young

Enabling electric utilities to prepare for the distributed energy future.

The bill was read the second time.

Representative Shea moved the adoption of amendment (302):

On page 2, line 20, after "usage" insert "while also ensuring reliability of electricity service"

On page 2, line 37, after "feedback" insert ". The electric utility must identify in the plan the sources of information it relied upon, including peer-reviewed science. Any cost-benefit analysis conducted as part of the plan must also include at least one pessimistic scenario constructed from reasonable assumptions and modeling choices that would produce comparatively high probable costs and comparatively low probable benefits, and at least one optimistic scenario constructed from reasonable assumptions and modeling choices that would produce comparatively low probable costs and comparatively high probable benefits"

Representatives Shea and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (302) was adopted.

Representative Morris moved the adoption of amendment (206):

On page 2, beginning on line 16, after "(c)" strike all material through "customers;" on line 20 and insert "Identify potential programs that are cost-effective and tariffs to fairly compensate customers for the actual monetizable value of their distributed energy resources, including benefits and any related implementation and integration costs of distributed energy resources, and enable their optimal usage, such as programs benefiting low-income customers;"

On page 2, line 25, after "investments" insert "as deemed necessary by the governing body, in the case of a consumer-owned utility, or the commission, in the case of an investor-owned utility"

On page 2, beginning on line 26, after "assumptions," strike all material through "section" on line 28 and insert "any pilots or procurements initiated in accordance with subsection (3) of this section or data gathered via current market research into a similar type of utility or other cost/benefit studies"

On page 3, line 17, beginning with "should" strike all material through "needs" and insert "may procure cost-effective distributed energy resource needs as"

Representatives Morris and DeBolt spoke in favor of the adoption of the amendment.

Amendment (206) was adopted.

The bill was ordered engrossed.

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

Representatives Morris and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1126.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1126, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Excused: Representatives Hansen and Sutherland.

ENGROSSED HOUSE BILL NO. 1126, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1874, by Representatives Frame, Eslick, Davis, Bergquist and Doglio

Implementing policies related to expanding adolescent behavioral health care access as reviewed and recommended by the children's mental health work group.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1874 was substituted for House Bill No. 1874 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1874 was read the second time.

Representative Frame moved the adoption of the striking amendment (282):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.34.010 and 2018 c 201 s 5001 are each amended to read as follows:

It is the purpose of this chapter to assure that minors in need of mental health care and treatment receive an appropriate continuum of culturally relevant care and treatment, including prevention and early intervention, self-directed care, parent-directed care, and involuntary treatment. To facilitate the continuum of care and treatment to minors in out-of-home placements, all divisions of the authority and the department that provide mental health services to minors shall jointly plan and deliver those services.

It is also the purpose of this chapter to protect the rights of ((~~minors~~)) adolescents to confidentially and independently seek services for mental health and substance use disorders. Mental health and chemical dependency professionals shall guard against needless hospitalization and deprivations of liberty ((~~and to~~)), enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment((~~. The mental health care and treatment providers shall~~)), and encourage the use of voluntary services ((~~and~~)). Mental health and chemical dependency professionals shall also, whenever clinically appropriate, ((~~the providers shall~~)) offer less restrictive alternatives to inpatient treatment. Additionally, all mental health care and treatment providers shall assure that minors' parents are given an opportunity to participate in the treatment decisions for their minor children. The mental health care and treatment providers shall, to the extent possible, offer services that involve minors' parents or family.

It is also the purpose of this chapter to assure the ability of parents to exercise reasonable, compassionate care and control of their minor children when there is a medical necessity for treatment and without the requirement of filing a petition under this chapter. This includes a parent's ability to request and receive medically necessary treatment for his or her adolescent without the consent of the adolescent.

Sec. 2. RCW 71.34.020 and 2018 c 201 s 5002 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or

both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(2) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(3) "Authority" means the Washington state health care authority.

(4) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(5) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW, or a person certified as a chemical dependency professional trainee under RCW 18.205.095 working under the direct supervision of a certified chemical dependency professional.

(6) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(7) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(8) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(9) "Department" means the department of social and health services.

(10) "Designated crisis responder" means a person designated by a behavioral health organization to perform the duties specified in this chapter.

(11) "Director" means the director of the authority.

(12) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(13) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately-operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(14) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(15) "Gravely disabled minor" means a minor who, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals, is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(16) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure detoxification facility for minors, or approved substance use disorder treatment program for minors.

(17) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(18) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(19) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others.

(20) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a handicap, or causes physical deformity

or malfunction, and there is no adequate less restrictive alternative available.

(21) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(22) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, ((~~or~~)) social worker, and such other mental health professionals as ((~~may be~~)) defined by rules adopted by the secretary of the department of health under this chapter.

(23) "Minor" means any person under the age of eighteen years.

(24) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified service providers as identified by RCW 71.24.025.

(25) "Parent" means((~~:~~

(~~a~~))) a biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under a joint custody agreement((~~;~~)) or (((~~(b)~~))) a person or agency judicially appointed as legal guardian or custodian of the child. For purposes of family-accessed treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person who may consent on behalf of a minor under RCW 7.70.065(2).

(26) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(27) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW.

(28) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(29) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(30) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(31) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(32) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(33) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(34) "Secretary" means the secretary of the department or secretary's designee.

(35) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated minors:

(i) Evaluation and assessment, provided by certified chemical dependency professionals;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the minor;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is licensed or certified as such by the department of health.

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

(37) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(38) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a

pathological pattern of behaviors related to the use of the substances.

(39) "Adolescent" means a minor thirteen years of age or older.

Sec. 3. RCW 71.34.500 and 2016 sp.s. c 29 s 261 are each amended to read as follows:

(1) ((~~A minor thirteen years or older~~)) An adolescent may admit himself or herself to an evaluation and treatment facility for inpatient mental health treatment or an approved substance use disorder treatment program for inpatient substance use disorder treatment without parental consent. The admission shall occur only if the professional person in charge of the facility concurs with the need for inpatient treatment. Parental authorization, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for inpatient treatment of a minor under the age of thirteen.

(2) When, in the judgment of the professional person in charge of an evaluation and treatment facility or approved substance use disorder treatment program, there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder or substance use disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to the facility.

(3) Written renewal of voluntary consent must be obtained from the applicant no less than once every twelve months. The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

Sec. 4. RCW 71.34.510 and 1998 c 296 s 15 are each amended to read as follows:

(1) The ((~~administrator~~)) professional person in charge of ((~~the~~)) an evaluation and treatment facility shall provide notice to the parent((~~s~~)) of ((~~a minor~~)) an adolescent when the ((~~minor~~)) adolescent is voluntarily admitted to inpatient treatment under RCW 71.34.500 solely for mental health treatment and not for substance use disorder treatment.

(2) The professional person in charge of an evaluation and treatment facility or an approved substance use disorder treatment program shall provide notice to the parent of an adolescent voluntarily admitted to inpatient treatment under RCW 71.34.500 for substance use disorder treatment only if: (a) The adolescent provides written consent to the disclosure of the fact of admission and such other substance use disorder treatment information in the notice; or (b) permitted by federal law.

(3) The notice required under this section shall be in the form most likely to reach the parent within twenty-four hours of the ((~~minor's~~)) adolescent's voluntary admission and shall advise the parent: (((~~(1)~~))) (a) That the ((~~minor~~)) adolescent has been admitted to inpatient treatment; (((~~(2)~~))) (b) of the location and telephone number of the facility providing such treatment; (((~~(3)~~))) (c) of the name of a professional person on the staff of the facility providing treatment who is designated to discuss the ((~~minor's~~)) adolescent's need for inpatient treatment with the parent; and (((~~(4)~~))) (d) of the medical necessity for admission. Notification efforts under this section shall begin as soon as reasonably practicable, considering the adolescent's immediate medical needs.

(4) Subject to the limitations described in subsection (2) of this section, if there are compelling reasons not to notify the parent or contact with the parent cannot be made, the professional person in charge shall provide notice to the department of children, youth, and families.

Sec. 5. RCW 71.34.520 and 2016 sp.s. c 29 s 262 are each amended to read as follows:

(1) Any ((~~minor thirteen years or older~~)) adolescent voluntarily admitted to an evaluation and treatment facility or approved substance use disorder treatment program under RCW 71.34.500 may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the ((~~minor~~)) adolescent can be discerned.

(2) The staff member receiving the notice shall date it immediately((~~,~~)) and record its existence in the ((~~minor's~~)) adolescent's clinical record((~~, and send~~)).

(a) If the evaluation and treatment facility is providing the adolescent solely with mental health treatment and not substance use disorder treatment, copies of ((~~it~~)) the notice must be sent to the ((~~minor's~~)) adolescent's attorney, if any, the designated crisis responders, and the parent.

(b) If the evaluation and treatment facility or substance use disorder treatment program is providing the adolescent with substance use disorder treatment, copies of the notice must be sent to the adolescent's attorney, if any, the designated crisis responders, and the parent only if: (i) The adolescent provides written consent to the disclosure of the adolescent's notice of intent to leave and such other substance use disorder information; or (ii) permitted by federal law.

(3) The professional person shall discharge the ((~~minor, thirteen years or older,~~)) adolescent from the facility by the second judicial day following receipt of the ((~~minor's~~)) adolescent's notice of intent to leave.

Sec. 6. RCW 71.34.530 and 2006 c 93 s 4 are each amended to read as follows:

Any ((~~minor thirteen years or older~~)) adolescent may request and receive outpatient treatment without the consent of the ((~~minor's~~)) adolescent's parent. Parental authorization, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for outpatient treatment of a minor under the age of thirteen.

Sec. 7. RCW 71.34.600 and 2018 c 201 s 5013 are each amended to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her ((~~minor~~)) adolescent child to:

(a) An evaluation and treatment facility or an inpatient facility licensed under chapter 70.41, 71.12, or 72.23 RCW and request that the professional person examine the ((~~minor~~)) adolescent to determine whether the ((~~minor~~)) adolescent has a mental disorder and is in need of inpatient treatment; or

(b) A secure detoxification facility or approved substance use disorder treatment program and request that a substance use disorder assessment be conducted by a professional person to determine whether the ((~~minor~~)) adolescent has a substance use disorder and is in need of inpatient treatment.

(2) The consent of the ((~~minor~~)) adolescent is not required for admission, evaluation, and treatment if ((~~the parent brings the minor to the facility~~)) a parent provides consent.

(3) An appropriately trained professional person may evaluate whether the ((~~minor~~)) adolescent has a mental disorder or has a substance use disorder. The evaluation shall be completed within twenty-four hours of the time the ((~~minor~~)) adolescent was brought to the facility, unless the professional person determines that the condition of the ((~~minor~~)) adolescent necessitates additional time for evaluation. In no event shall ((~~a minor~~)) an adolescent be held longer than seventy-two hours for evaluation. If, in the judgment of the professional person, it is determined it is a medical necessity for the ((~~minor~~)) adolescent to receive inpatient treatment, the ((~~minor~~)) adolescent may be held for treatment. The facility shall limit treatment to that which the professional person determines is medically necessary to stabilize the ((~~minor's~~)) adolescent's condition until the evaluation has been completed. Within twenty-four hours of completion of the evaluation, the professional person shall notify the authority if the ((~~child~~)) adolescent is held solely for mental health and not substance use disorder treatment and of the date of admission. The professional person shall provide notice to the authority if the adolescent is held for substance use disorder treatment only if: (a) The adolescent provides written consent to the disclosure of the fact of admission and such other substance use disorder treatment information in the notice; or (b) permitted by federal law.

(4) No provider is obligated to provide treatment to ((~~a minor~~)) an adolescent under the provisions of this section except that no provider may refuse to treat ((~~a minor~~)) an adolescent under the provisions of this section solely on the basis that the ((~~minor~~)) adolescent has not consented to the treatment. No provider may admit ((~~a minor~~)) an adolescent to treatment under this section unless it is medically necessary.

(5) No ((~~minor~~)) adolescent receiving inpatient treatment under this section may be discharged from the facility based solely on his or her request.

(6) Prior to the review conducted under RCW 71.34.610, the professional person shall notify the ((~~minor~~)) adolescent of his or her right to petition superior court for release from the facility.

(7) For the purposes of this section "professional person" means "professional person" as defined in RCW 71.05.020.

Sec. 8. RCW 71.34.610 and 2018 c 201 s 5014 are each amended to read as follows:

(1) The authority shall assure that, for any ((~~minor~~)) adolescent admitted to inpatient treatment under RCW 71.34.600, a review is conducted by a physician or other mental health professional who is employed by the authority, or an agency under contract with the authority, and who neither has a financial interest in continued inpatient treatment of the ((~~minor~~)) adolescent nor is affiliated with the facility providing the treatment. The physician or other mental health professional shall conduct the review not less than seven nor more than fourteen days following the date the ((~~minor~~)) adolescent was brought to the facility under RCW 71.34.600 to determine whether it is a medical necessity to continue the ((~~minor's~~)) adolescent's treatment on an inpatient basis.

(2) In making a determination under subsection (1) of this section, the authority shall consider the opinion of the treatment provider, the safety of the ((~~minor~~)) adolescent, and the likelihood the ((~~minor's~~)) adolescent's mental health will deteriorate if released from inpatient treatment. The authority shall consult with the parent in advance of making its determination.

(3) If, after any review conducted by the authority under this section, the authority determines it is no longer a medical necessity for ((~~a minor~~)) an adolescent to receive inpatient treatment, the authority shall immediately notify the parents and the facility. The facility shall release the ((~~minor~~)) adolescent to the parents within twenty-four hours of receiving notice. If the professional person in charge and the parent believe that it is a medical necessity for the ((~~minor~~)) adolescent to remain in inpatient treatment, the ((~~minor~~)) adolescent shall be released to the parent on the second judicial day following the authority's determination in order to allow the parent time to file an at-risk youth petition under chapter 13.32A RCW. If the authority determines it is a medical necessity for the ((~~minor~~)) adolescent to receive outpatient treatment and the ((~~minor~~)) adolescent declines to obtain such treatment, such refusal shall be grounds for the parent to file an at-risk youth petition.

(4) If the evaluation conducted under RCW 71.34.600 is done by the authority, the reviews required by subsection (1) of this section shall be done by contract with an independent agency.

(5) The authority may, subject to available funds, contract with other governmental agencies to conduct the reviews under this section. The authority may seek reimbursement from the parents, their insurance, or

medicaid for the expense of any review conducted by an agency under contract.

(6) In addition to the review required under this section, the authority may periodically determine and redetermine the medical necessity of treatment for purposes of payment with public funds.

Sec. 9. RCW 71.34.620 and 1998 c 296 s 19 are each amended to read as follows:

Following the review conducted under RCW 71.34.610, ((~~a minor child~~)) an adolescent may petition the superior court for his or her release from the facility. The petition may be filed not sooner than five days following the review. The court shall release the ((~~minor~~)) adolescent unless it finds, upon a preponderance of the evidence, that it is a medical necessity for the ((~~minor~~)) adolescent to remain at the facility.

Sec. 10. RCW 71.34.630 and 2018 c 201 s 5015 are each amended to read as follows:

If the ((~~minor~~)) adolescent is not released as a result of the petition filed under RCW 71.34.620, he or she shall be released not later than thirty days following the later of: (1) The date of the authority's determination under RCW 71.34.610(2); or (2) the filing of a petition for judicial review under RCW 71.34.620, unless a professional person or the designated crisis responder initiates proceedings under this chapter.

Sec. 11. RCW 71.34.640 and 2018 c 201 s 5016 are each amended to read as follows:

The authority shall randomly select and review the information on ((~~children~~)) adolescents who are admitted to inpatient treatment on application of the ((~~child's~~)) adolescent's parent regardless of the source of payment, if any, if the information relates solely to mental health and not substance use disorder treatment. The authority may review a patient's inpatient substance use disorder treatment information only if: (1) The adolescent provides written consent to the review; or (2) permitted by federal law. The review shall determine whether the ((~~children~~)) adolescents reviewed were appropriately admitted into treatment based on an objective evaluation of the ((~~child's~~)) adolescent's condition and the outcome of the ((~~child's~~)) adolescent's treatment.

Sec. 12. RCW 71.34.650 and 2016 sp.s. c 29 s 265 are each amended to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her ((~~minor~~)) adolescent child to:

(a) A provider of outpatient mental health treatment and request that an appropriately trained professional person examine the ((~~minor~~)) adolescent to determine whether the ((~~minor~~)) adolescent has a mental disorder and is in need of outpatient treatment; or

(b) A provider of outpatient substance use disorder treatment and request that an appropriately trained professional person examine the ((~~minor~~)) adolescent to determine whether the ((~~minor~~)) adolescent has a substance use disorder and is in need of outpatient treatment.

(2) The consent of the ((~~minor~~)) adolescent is not required for evaluation if ((~~the parent brings the minor to the provider~~)) a parent provides consent.

(3) The professional person may evaluate whether the ((~~minor~~)) adolescent has a mental disorder or substance use disorder and is in need of outpatient treatment.

(4) If a determination is made by a professional person under this section that an adolescent is in need of outpatient mental health or substance use disorder treatment, a parent of an adolescent may request and receive such outpatient treatment for his or her adolescent without the consent of the adolescent for up to twelve outpatient sessions occurring within a three-month period.

(5) Following the treatment periods under subsection (4) of this section, an adolescent must provide his or her consent for further treatment with that specific professional person.

(6) If a determination is made by a professional person under this section that an adolescent is in need of treatment in a less restrictive setting, including partial hospitalization or intensive outpatient treatment, a parent of an adolescent may request and receive such treatment for his or her adolescent without the consent of the adolescent.

(a) A professional person providing solely mental health treatment to an adolescent under this subsection (6) must convene a treatment review at least every thirty days after treatment begins that includes the adolescent, parent, and other treatment team members as appropriate to determine whether continued care under this subsection is medically necessary.

(b) A professional person providing solely mental health treatment to an adolescent under this subsection (6) shall provide notification of the adolescent's treatment to an independent reviewer at the authority within twenty-four hours of the adolescent's first receipt of treatment under this section. At least every forty-five days after the adolescent's first receipt of treatment under this subsection, the authority shall conduct a review to determine whether the current level of treatment is medically necessary.

(c) A professional person providing substance use disorder treatment under this subsection (6) shall convene a treatment review under (a) of this subsection and provide the notification of the adolescent's receipt of treatment to an independent reviewer at the authority as described in (b) of this subsection only if: (i) The adolescent provides written consent to the disclosure of substance use disorder treatment information including the fact of his or her receipt of such treatment; or (ii) permitted by federal law.

(7) Any ((~~minor~~)) adolescent admitted to inpatient treatment under RCW 71.34.500 or 71.34.600 shall be discharged immediately from inpatient treatment upon written request of the parent.

Sec. 13. RCW 71.34.660 and 2016 sp.s. c 29 s 266 are each amended to read as follows:

((~~A minor child~~)) An adolescent shall have no cause of action against an evaluation and treatment facility, secure detoxification facility, approved substance use disorder treatment program, inpatient facility, or provider of outpatient mental health treatment or outpatient substance use disorder treatment for admitting or accepting the ((~~minor~~)) adolescent in good faith for evaluation or treatment under RCW 71.34.600 or 71.34.650 based solely upon the fact that the ((~~minor~~)) adolescent did not consent to evaluation or treatment if the ((~~minor's~~)) adolescent's parent has consented to the evaluation or treatment.

Sec. 14. RCW 71.34.700 and 2016 sp.s. c 29 s 267 are each amended to read as follows:

(1) If ((~~a minor, thirteen years or older,~~)) an adolescent is brought to an evaluation and treatment facility or hospital emergency room for immediate mental health services, the professional person in charge of the facility shall evaluate the ((~~minor's~~)) adolescent's mental condition, determine whether the ((~~minor~~)) adolescent suffers from a mental disorder, and whether the ((~~minor~~)) adolescent is in need of immediate inpatient treatment.

(2) If ((~~a minor, thirteen years or older,~~)) an adolescent is brought to a secure detoxification facility with available space, or a hospital emergency room for immediate substance use disorder treatment, the professional person in charge of the facility shall evaluate the ((~~minor's~~)) adolescent's condition, determine whether the ((~~minor~~)) adolescent suffers from a substance use disorder, and whether the ((~~minor~~)) adolescent is in need of immediate inpatient treatment.

(3) If it is determined under subsection (1) or (2) of this section that the ((~~minor~~)) adolescent suffers from a mental disorder or substance use disorder, inpatient treatment is required, the ((~~minor~~)) adolescent is unwilling to consent to voluntary admission, and the professional person believes that the ((~~minor~~)) adolescent meets the criteria for initial detention set forth herein, the facility may detain or arrange for the detention of the ((~~minor~~)) adolescent for up to twelve hours in order to enable a designated crisis responder to evaluate the ((~~minor~~)) adolescent and commence initial detention proceedings under the provisions of this chapter.

Sec. 15. RCW 71.34.700 and 2016 sp.s. c 29 s 268 are each amended to read as follows:

(1) If ((~~a minor, thirteen years or older,~~)) an adolescent is brought to an evaluation and treatment facility or hospital emergency room for immediate mental health services, the professional person in charge of the facility shall evaluate the ((~~minor's~~)) adolescent's mental condition, determine whether the ((~~minor~~)) adolescent suffers from a mental disorder, and whether the ((~~minor~~)) adolescent is in need of immediate inpatient treatment.

(2) If ((~~a minor, thirteen years or older,~~)) an adolescent is brought to a secure detoxification facility or a hospital emergency room for immediate substance use disorder treatment, the professional person in charge of the facility shall evaluate the ((~~minor's~~)) adolescent's condition, determine whether the ((~~minor~~)) adolescent suffers from a substance use disorder, and whether the ((~~minor~~)) adolescent is in need of immediate inpatient treatment.

(3) If it is determined under subsection (1) or (2) of this section that the ((~~minor~~)) adolescent suffers from a mental disorder or substance use disorder, inpatient treatment is required, the ((~~minor~~)) adolescent is unwilling to consent to voluntary admission, and the professional person believes that the ((~~minor~~)) adolescent meets the criteria for initial detention set forth herein, the facility may detain or arrange for the detention of the ((~~minor~~)) adolescent for up to twelve hours in order to enable a designated crisis responder to evaluate the ((~~minor~~)) adolescent and commence initial detention proceedings under the provisions of this chapter.

Sec. 16. RCW 71.34.710 and 2016 sp.s. c 29 s 269 are each amended to read as follows:

(1)(a)(i) When a designated crisis responder receives information that ((~~a minor, thirteen years or older,~~)) an adolescent as a result of a mental disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the ((~~minor~~)) adolescent, or cause the ((~~minor~~)) adolescent to be taken, into custody and transported to an evaluation and treatment facility providing inpatient treatment.

(ii) When a designated crisis responder receives information that ((~~a minor, thirteen years or older,~~)) an adolescent as a result of a substance use disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the ((~~minor~~)) adolescent, or cause the ((~~minor~~)) adolescent to be taken, into custody and transported to a secure detoxification facility or approved substance use disorder treatment program, if a secure detoxification facility or approved substance use disorder treatment program is available and has adequate space for the ((~~minor~~)) adolescent.

(b) If the ((~~minor~~)) adolescent is not taken into custody for evaluation and treatment, the parent who has custody of the ((~~minor~~)) adolescent may seek review of that decision made by the designated crisis responder in court. The parent shall file notice with the court and provide a copy of the designated crisis responder's report or notes.

(2) Within twelve hours of the ((~~minor's~~)) adolescent's arrival at the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, the designated crisis responder

shall serve on the ((~~minor~~)) adolescent a copy of the petition for initial detention, notice of initial detention, and statement of rights. The designated crisis responder shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The designated crisis responder shall commence service of the petition for initial detention and notice of the initial detention on the ((~~minor's~~)) adolescent's parent and the ((~~minor's~~)) adolescent's attorney as soon as possible following the initial detention.

(3) At the time of initial detention, the designated crisis responder shall advise the ((~~minor~~)) adolescent both orally and in writing that if admitted to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program for inpatient treatment, a commitment hearing shall be held within seventy-two hours of the ((~~minor's~~)) adolescent's provisional acceptance to determine whether probable cause exists to commit the ((~~minor~~)) adolescent for further treatment.

The ((~~minor~~)) adolescent shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the ((~~minor~~)) adolescent is indigent.

(4) Subject to subsection (5) of this section, whenever the designated crisis responder petitions for detention of ((~~a minor~~)) an adolescent under this chapter, an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the ((~~minor's~~)) adolescent's arrival, the facility must evaluate the ((~~minor's~~)) adolescent's condition and either admit or release the ((~~minor~~)) adolescent in accordance with this chapter.

(5) A designated crisis responder may not petition for detention of ((~~a minor~~)) an adolescent to a secure detoxification facility or approved substance use disorder treatment program unless there is a secure detoxification facility or approved substance use disorder treatment program available and that has adequate space for the ((~~minor~~)) adolescent.

(6) If ((~~a minor~~)) an adolescent is not approved for admission by the inpatient evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, the facility shall make such recommendations and referrals for further care and treatment of the ((~~minor~~)) adolescent as necessary.

Sec. 17. RCW 71.34.710 and 2016 sp.s. c 29 s 270 are each amended to read as follows:

(1)(a)(i) When a designated crisis responder receives information that ((~~a minor, thirteen years or older,~~)) an adolescent as a result of a mental disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the ((~~minor~~)) adolescent, or cause the ((~~minor~~)) adolescent to be taken, into custody and transported to an evaluation and treatment facility providing inpatient treatment.

(ii) When a designated crisis responder receives information that ((~~a minor, thirteen years or older,~~)) an adolescent as a result of a substance use disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the ((~~minor~~)) adolescent, or cause the ((~~minor~~)) adolescent to be taken, into custody and transported to a secure detoxification facility or approved substance use disorder treatment program.

(b) If the ((~~minor~~)) adolescent is not taken into custody for evaluation and treatment, the parent who has custody of the ((~~minor~~)) adolescent may seek review of that decision made by the designated crisis responder in court. The parent shall file notice with the court and provide a copy of the designated crisis responder's report or notes.

(2) Within twelve hours of the ((~~minor's~~)) adolescent's arrival at the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, the designated crisis responder shall serve on the ((~~minor~~)) adolescent a copy of the petition for initial detention, notice of initial detention, and statement of rights. The designated crisis responder shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The designated crisis responder shall commence service of the petition for initial detention and notice of the initial detention on the ((~~minor's~~)) adolescent's parent and the ((~~minor's~~)) adolescent's attorney as soon as possible following the initial detention.

(3) At the time of initial detention, the designated crisis responder shall advise the ((~~minor~~)) adolescent both orally and in writing that if admitted to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program for inpatient treatment, a commitment hearing shall be held within seventy-two hours of the ((~~minor's~~)) adolescent's provisional acceptance to determine whether probable cause exists to commit the ((~~minor~~)) adolescent for further treatment.

The ((~~minor~~)) adolescent shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the ((~~minor~~)) adolescent is indigent.

(4) Whenever the designated crisis responder petitions for detention of ((~~a minor~~)) an adolescent under this chapter, an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours

of the ((~~minor's~~)) adolescent's arrival, the facility must evaluate the ((~~minor's~~)) adolescent's condition and either admit or release the ((~~minor~~)) adolescent in accordance with this chapter.

(5) If ((~~a minor~~)) an adolescent is not approved for admission by the inpatient evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, the facility shall make such recommendations and referrals for further care and treatment of the ((~~minor~~)) adolescent as necessary.

NEW SECTION. **Sec. 18.** A new section is added to chapter 70.02 RCW to read as follows:

(1) When an adolescent voluntarily consents to his or her own mental health treatment under RCW 71.34.500 or 71.34.530, a mental health professional shall not proactively provide information and records related solely to mental health services to a parent unless the adolescent states a clear and documented desire to do so, or in cases concerning the imminent health and safety of the adolescent.

(2) In the event a mental health professional discloses information and records related solely to mental health services of an adolescent to a parent pursuant to RCW 70.02.240(3), the mental health professional must provide notice of this disclosure to the adolescent and the adolescent must have ample opportunity to express any concerns about this disclosure to the mental health professional well in advance of action to disclose information and records related solely to mental health services. The mental health professional shall document any objections to disclosure in the adolescent's medical record if the mental health professional discloses information and records related solely to mental health services over the objection of the adolescent.

(3) If the mental health professional determines that disclosure of information and records related solely to mental health services pursuant to RCW 70.02.240(3) would be detrimental to the adolescent and declines to disclose such information or records, the mental health professional shall document the reasons for the lack of disclosure in the adolescent's medical record.

(4) Information about an adolescent's substance use disorder evaluation or treatment may only be provided to a parent without the written consent of the adolescent if permitted by federal law. A mental health professional or chemical dependency professional providing substance use disorder treatment to an adolescent may seek the written consent of the adolescent to provide substance use disorder treatment information to a parent who is involved in the treatment of the adolescent when the mental health professional or chemical dependency professional determines that both seeking the written consent and sharing the substance use disorder treatment information of the adolescent would not be detrimental to the adolescent.

(5) A mental health professional providing inpatient or outpatient mental health treatment is not civilly liable for the decision to disclose information and records related to mental health services or not disclose such information and records so long as the decision was reached in good faith and without gross negligence.

(6) A chemical dependency professional or mental health professional providing inpatient or outpatient substance use disorder treatment is not civilly liable for the decision to disclose information and records related to substance use disorder treatment information or not disclose such information and records to a parent without an adolescent's consent pursuant to this section only if permitted by federal law, and so long as the decision was reached in good faith and without gross negligence.

(7) For purposes of this section, "adolescent" means a minor thirteen years of age or older.

Sec. 19. RCW 70.02.240 and 2018 c 201 s 8003 are each amended to read as follows:

The fact of admission and all information and records related to mental health services obtained through treatment under chapter 71.34 RCW is confidential, except as authorized in RCW 70.02.050, 70.02.210, 70.02.230, 70.02.250, and 70.02.260. Such confidential information may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of chapter 71.34 RCW, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To the minor, the minor's parent, including those acting as such for purposes of family-accessed treatment under RCW 71.34.600 through 71.34.670, and the minor's attorney, subject to RCW 13.50.100;

(4) To the courts as necessary to administer chapter 71.34 RCW;

(5) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address must be disclosed upon request;

(6) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(7) To the secretary of social and health services and the director of the health care authority for assistance in data collection and program evaluation or research so long as the secretary or director, where applicable, adopts rules for the conduct of such evaluation and research. The rules must

include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, ..., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/ . . . . . ";

(8) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(9) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(10) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(11) Upon the death of a minor, to the minor's next of kin;

(12) To a facility in which the minor resides or will reside;

(13) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(((~~iii~~))) (iv). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(((~~iii~~))) (iv);

(c) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(14) This section may not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the director of the health care authority or the secretary of the department of social and health services, where applicable. The fact of admission and all information obtained pursuant to chapter 71.34 RCW are not admissible as evidence in any legal proceeding outside chapter 71.34 RCW, except guardianship or dependency, without the written consent of the minor or the minor's parent;

(15) For the purpose of a correctional facility participating in the postinstitutional medical assistance system supporting the expedited medical determinations and medical suspensions as provided in RCW 74.09.555 and 74.09.295;

(16) Pursuant to a lawful order of a court.

Sec. 20. RCW 74.13.280 and 2018 c 284 s 45 are each amended to read as follows:

(1) Except as provided in RCW 70.02.220, whenever a child is placed in out-of-home care by the department or with an agency, the department or agency shall share information known to the department or agency about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include information known to the department or agency as to whether the child is a sexually reactive child, has exhibited high-risk behaviors, or is physically assaultive or physically aggressive, as defined in this section.

(3) Information about the child shall also include information known to the department or agency that the child:

(a) Has received a medical diagnosis of fetal alcohol syndrome or fetal alcohol effect;

(b) Has been diagnosed by a qualified mental health professional as having a mental health disorder;

(c) Has witnessed a death or substantial physical violence in the past or recent past; or

(d) Was a victim of sexual or severe physical abuse in the recent past.

(4) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law. Care providers shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

(5) Nothing in this section shall be construed to limit the authority of the department or an agency to disclose client information or to maintain client confidentiality as provided by law.

(6) ((~~As used in~~)) The department may share the following mental health treatment records with a care provider, even if the child does not consent to releasing those records, if the department has initiated treatment pursuant to RCW 71.34.600:

(a) Diagnosis;

(b) Treatment plan and progress in treatment;

(c) Recommended medications, including risks, benefits, side effects, typical efficacy, dose, and schedule;

(d) Psychoeducation about the child's mental health;

(e) Referrals to community resources;

(f) Coaching on parenting or behavioral management strategies; and

(g) Crisis prevention planning and safety planning.

(7) The department may not share substance use disorder treatment records with a care provider without the written consent of the child except as permitted by federal law.

(8) For the purposes of this section:

(a) "Sexually reactive child" means a child who exhibits sexual behavior problems including, but not limited to, sexual behaviors that are developmentally inappropriate for their age or are harmful to the child or others.

(b) "High-risk behavior" means an observed or reported and documented history of one or more of the following:

(i) Suicide attempts or suicidal behavior or ideation;

(ii) Self-mutilation or similar self-destructive behavior;

(iii) Fire-setting or a developmentally inappropriate fascination with fire;

(iv) Animal torture;

(v) Property destruction; or

(vi) Substance or alcohol abuse.

(c) "Physically assaultive or physically aggressive" means a child who exhibits one or more of the following behaviors that are developmentally inappropriate and harmful to the child or to others:

(i) Observed assaultive behavior;

(ii) Reported and documented history of the child willfully assaulting or inflicting bodily harm; or

(iii) Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.

(d) "Care provider" means a person with whom a child is placed in out-of-home care, or a designated official for a group care facility licensed by the department.

NEW SECTION. **Sec. 21.** A new section is added to chapter 71.34 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the authority must provide an online training for behavioral health providers regarding state law and best practices when providing behavioral health services to children, youth, and families. The training must be free for providers and must include information related to family-accessed treatment, adolescent-accessed treatment, and other treatment services provided under this chapter.

NEW SECTION. **Sec. 22.** A new section is added to chapter 71.34 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the authority must conduct an annual survey of a sample group of parents, youth, and behavioral health providers to measure the impacts of implementing policies resulting from this act during the first three years of implementation. The first survey must be complete by July 1, 2020, followed by subsequent annual surveys completed by July 1, 2021, and by July 1, 2022. The authority must report on the results of the surveys annually to the governor and the legislature beginning November 1, 2020. The final report is due November 1, 2022, and must include any recommendations for statutory changes identified as needed based on survey results.

(2) This section expires December 31, 2022.

NEW SECTION. **Sec. 23.** This act may be known and cited as the adolescent behavioral health care access act.

NEW SECTION. **Sec. 24.** Sections 14 and 16 of this act expire July 1, 2026.

NEW SECTION. **Sec. 25.** Sections 15 and 17 of this act take effect July 1, 2026.

NEW SECTION. **Sec. 26.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 27.** LEGISLATIVE DIRECTIVE. (1) Chapter 71.34 RCW must be codified under the chapter heading "behavioral health services for minors."

(2) RCW 71.34.500 through 71.34.530 must be codified under the subchapter heading "adolescent-accessed treatment."

(3) RCW 71.34.600 through 71.34.670 must be codified under the subchapter heading "family-accessed treatment.""

Correct the title.

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

The striking amendment (282) was adopted.

The bill was ordered engrossed.

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

Representatives Frame, Dent, Senn and Griffey spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1874.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1874, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Harris, Hoff, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra and Mr. Speaker.

Voting nay: Representatives Chandler, Dufault, Jenkin, Klippert, McCaslin, Shea, Walsh and Young.

Excused: Representative Hansen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1874, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1158, by Representatives Ryu, Eslick, Appleton, Lovick, Blake, Stanford, Reeves, Kirby and Santos

Regulating permanent cosmetics under the Washington body art, body piercing, and tattooing act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1158 was substituted for House Bill No. 1158 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1158 was read the second time.

Representative Dufault moved the adoption of amendment (114):

On page 3, line 8, after "artist" insert "or a tattoo artist"

On page 3, line 9, after "artist" insert "or tattoo artist"

On page 5, line 8, after "cosmetics" insert "or tattooing"

Representatives Dufault and Vick spoke in favor of the adoption of the amendment.

Representative Kirby spoke against the adoption of the amendment.

Amendment (114) was not adopted.

Representative Vick moved the adoption of amendment (115):

On page 5, line 2, after "(2017);" strike " and"

On page 5, line 12, after "license" insert "; and

(4) Issue an individual permanent cosmetics license to any person who: (a) Is age eighteen or older; (b) provides proof the person holds a current blood-borne pathogens certification from a training course with standards in compliance with 29 C.F.R. Sec. 1910.1030 (2017); and (c) has a current license or endorsement to perform permanent cosmetics in another state. A person with a license or endorsement to perform permanent cosmetics issued by another state, that is in good standing at the time of application in this state, is not required to complete a permanent cosmetics curriculum in order to be issued or renew a license"

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

Representative Kirby spoke against the adoption of the amendment.

Amendment (115) was not adopted.

Representative Walsh moved the adoption of amendment (102):

On page 8, after line 6, insert the following:

"NEW SECTION. **Sec. 12.** A new section is added to chapter 18.300 RCW to read as follows:

(1) Beginning in 2021, and every five years thereafter, the appropriate standing committees of the legislature shall review the occupational regulations for permanent cosmetics artists and prepare and submit a report electronically to the chief clerk of the house of representatives, the secretary of the senate, and each member of the house of representatives and senate by August 31st as provided in this section. Each report must include the committee's recommendations regarding whether the occupational regulations should be terminated, continued, or modified.

(2) The committee may require the submission of information by the department of licensing and other affected or interested parties.

(3) The committee's report must include, but not be limited to, the following:

(a) For the immediately preceding five calendar years, or for the period of time less than five years for which the information is practically available, the number of permanent cosmetics licenses the department of licensing has issued, revoked, denied, or assessed penalties against and the reasons for the revocations, denials, and other penalties;

(b) A review of the basic assumptions underlying the creation of the occupational regulations;

(c) A statement from the department of licensing on the effectiveness of the occupational regulations; and

(d) A comparison of whether and how other states regulate the occupation.

(4) Each committee shall also analyze, and include in its report, whether the occupational regulations:

(a) Protect the fundamental right of an individual to pursue a lawful occupation;

(b) Use the least restrictive regulation necessary to protect consumers from undue risks of present, significant, and substantiated harms that clearly threaten or endanger the health, safety, or welfare of the public when competition alone is not sufficient and in a manner that is consistent with the public interest;

(c) Enforce occupational regulations against an individual only to the extent that the individual provided services that are included explicitly in the statutes that govern the occupation; and

(d) Construe and apply occupational regulations to increase opportunities, promote competition, and encourage innovation.

(5) The committee shall consider the following courses of action in developing any recommendations included in its report:

(a) If the need is to protect consumers against fraud, the recommended course of action is to strengthen chapter 19.86 RCW, or require disclosures that will reduce misleading attributes of the specific goods or services;

(b) If the need is to protect consumers against unclean facilities or to promote general health and safety, the recommended course of action is to require periodic inspections of such facilities;

(c) If the need is to protect consumers against potential damages from failure by providers to complete a contract fully or up to standards, the recommended course of action is to require that providers be bonded;

(d) If the need is to protect a person who is not party to a contract between the provider and consumer, the recommended course of action is to require that the provider have insurance;

(e) If the need is to protect consumers against potential damages by transient providers, the recommended course of action is to require that providers register their businesses with the state;

(f) If the need is to protect consumers against a shortfall or imbalance of knowledge about the goods or services relative to the providers' knowledge, the recommended course of action is to require government certification; and

(g) If the need is to address a systematic information shortfall such that a reasonable consumer is unable to distinguish between the quality of providers, there is an absence of institutions that provide adequate guidance to the consumer, and the consumer's inability to distinguish between providers and the lack of adequate guidance allows for undue risk of present, significant, and substantiated harms, the recommended course of action is to require an occupational license.

(6) The committee shall include in its report a review and analysis of the hours or other amount of education, training, or experience required to ensure such requirements are as least restrictive as necessary to protect the public's health, safety, and welfare.

(7) If the committee finds that it is necessary to change occupational regulations, the committee shall recommend the least restrictive regulation consistent with the public interest and the policies in this section.

(8) For purposes of performing the committee's duties under this section, committee members may participate in a review and analysis of the occupational regulations, attend meetings, and vote, electronically or in

person, on any substantive issue put to the committee by the chair of the committee."

Renumber the remaining section consecutively and correct the title.

Representatives Walsh, Smith, Vick and Maycumber spoke in favor of the adoption of the amendment.

Representative Kirby spoke against the adoption of the amendment.

Amendment (102) was not adopted.

Representative Vick moved the adoption of amendment (116):

On page 8, after line 6, insert the following:

"NEW SECTION. **Sec. 12.** (1) By December 31, 2019, and in compliance with RCW 43.01.036, the department must complete a study to determine the public health and safety benefits of a permanent cosmetics curriculum requirement compared to the current training requirements of permanent cosmetics artists and submit a report of its findings and recommendations to the appropriate committees of the legislature.

(2) This section expires December 31, 2020."

Renumber the remaining sections consecutively and correct the title.

On page 8, line 7, after "**Sec. 12**" strike "This act takes" and insert "Sections 1 through 11 of this act take"

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

Representative Kirby spoke against the adoption of the amendment.

Amendment (116) was not adopted.

Representative Hoff moved the adoption of the striking amendment (117):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The department of licensing must complete a study evaluating the appropriateness of regulating the practice of permanent cosmetics under chapter 18.300 RCW and the need for additional training requirements for permanent cosmetics artists. By December 31, 2019, and in compliance with RCW 43.01.036, the department must submit a report of its findings and recommendations to the appropriate committees of the legislature.

(2) The study must consider the extent to which additional training and regulations would:

(a) Protect the fundamental right of an individual to pursue a lawful occupation;

(b) Use the least restrictive regulation necessary to protect consumers from undue risk of present, significant, and substantiated harms that clearly threaten or endanger the health, safety, or welfare of the public;

(c) Enforce the regulations against an individual only to the extent that the individual provided services that are included explicitly in the statutes that govern the occupation;

(d) Increase opportunities, promote competition, and encourage innovation; and

(e) Provide ongoing legislative review of the regulations.

(3) This section expires December 31, 2020."

Correct the title.

Representative Hoff spoke in favor of the adoption of the striking amendment.

Representative Kirby spoke against the adoption of the striking amendment.

The striking amendment (117) was not adopted.

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

Representatives Ryu, Graham and Eslick spoke in favor of the passage of the bill.

Representatives Vick, MacEwen, DeBolt and Walsh spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1158.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1158, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Callan, Chapman, Cody, Davis, Doglio, Dolan, Entenman, Eslick, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Harris, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Boehnke, Chambers, Chandler, Corry, DeBolt, Dent, Dufault, Dye, Gildon, Griffey, Hoff, Irwin, Jenkin, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Schmick, Shea, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Hansen.

SUBSTITUTE HOUSE BILL NO. 1158, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1569, by Representatives Ramos, Chapman, Callan, Peterson, Fitzgibbon and Slatter

Concerning marketing the degradability of products.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1569 was substituted for House Bill No. 1569 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1569 was read the second time.

Representative Ramos moved the adoption of the striking amendment (234):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds and declares that it is the public policy of the state that:

(a) Environmental marketing claims for plastic products, whether implicit or implied, should adhere to uniform and recognized standards for "compostability" and "biodegradability," since misleading, confusing, and deceptive labeling can negatively impact local composting programs and compost processors. Plastic products marketed as being "compostable" should be readily and easily identifiable as meeting these standards;

(b) Legitimate and responsible packaging and plastic product manufacturers are already properly labeling their compostable products, but many manufacturers are not. Not all compost facilities and their associated processing technologies accept or are required to accept compostable packaging as feedstocks. However, implementing a standardized system and test methods may create the ability for them to take these products in the future.

(2) Therefore, it is the intent of the legislature to authorize the state's attorney general and local governments to pursue false or misleading environmental claims and "greenwashing" for plastic products claiming to be "compostable" or "biodegradable" when in fact they are not.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "ASTM" means the American society for testing and materials.

(2) "Biodegradable mulch film" means film plastic used as a technical tool in commercial farming applications that biodegrades in soil after being used, and:

(a) The film product fulfills plant growth and regulated metals requirements of ASTM D6400; and

(b)(i) Meets the requirements of Vincotte's "OK Biodegradable Soil" certification scheme, as that certification existed as of January 1, 2019;

(ii) At ambient temperatures and in soil, shows at least ninety percent biodegradation absolute or relative to microcrystalline cellulose in less than two years' time, tested according to ISO 17556 or ASTM 5988 standard test methods, as those test methods existed as of January 1, 2019; or

(iii) Meets the requirements of EN 17033 "plastics-biodegradable mulch films for use in agriculture and horticulture" as it existed on January 1, 2019.

(3) "Federal trade commission guides" means the United States federal trade commission's guides for the use of environmental marketing claims (Part 260, commencing at section 260.1), compostability claims, including section 260.8, and degradation claims (subchapter B of chapter I of Title 16 of the Code of Federal Regulations), as those guides existed as of January 1, 2019.

(4) "Film product" means a bag, sack, wrap, or other sheet film product.

(5) "Food service product" means a product including, but not limited to, containers, plates, bowls, cups, lids, meat trays, straws, deli rounds, cocktail picks, splash sticks, condiment packaging, clam shells and other hinged or lidded containers, sandwich wrap, utensils, sachets, portion cups, and other food service products that are intended for one-time use and used for food or drink offered for sale or use.

(6) "Manufacturer" means a person, firm, association, partnership, or corporation that produces a product.

(7) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(8) "Plastic food packaging and food service products" means food packaging and food service products that is composed of:

(a) Plastic; or

(b) Fiber or paper with a plastic coating, window, component, or additive.

(9) "Plastic product" means a product made of plastic, whether alone or in combination with another material including, but not limited to, paperboard. A plastic product includes, but is not limited to, any of the following:

(a) A product or part of a product that is used, bought, or leased for use by a person for any purpose;

(b) A package or a packaging component including, but not limited to, packaging peanuts;

(c) A film product; or

(d) Plastic food packaging and food service products.

(10) "Standard specification" means either:

(a) ASTM D6400 – standard specification labeling of plastics designed to be aerobically composted in municipal or industrial facilities, as it existed as of January 1, 2019; or

(b) ASTM D6868 – standard specification for labeling of end items that incorporate plastics and polymers as coatings or additives with paper and other substrates designed to be aerobically composted in municipal or industrial facilities, as it existed as of January 1, 2019.

(11)(a) "Supplier" means a person, firm, association, partnership, company, or corporation that sells, offers for sale, offers for promotional purposes, or takes title to a product.

(b) "Supplier" does not include a person, firm, association, partnership, company, or corporation that sells products to end users as a retailer.

(12) "Utensil" means a product designed to be used by a consumer to facilitate the consumption of food or beverages, including knives, forks, spoons, cocktail picks, chopsticks, splash sticks, and stirrers.

NEW SECTION. **Sec. 3.** (1) Except as provided in this chapter, no manufacturer or supplier may sell, offer for sale, or distribute for use in this state a plastic product that is labeled with the term "biodegradable," "degradable," "decomposable," "oxo-degradable," or any similar form of those terms, or in any way imply that the plastic product will break down, fragment, biodegrade, or decompose in a landfill or other environment.

(2) This section does not apply to biodegradable mulch film that meets the required testing and has the appropriate third-party certifications.

NEW SECTION. **Sec. 4.** (1)(a) A product labeled as "compostable" that is sold, offered for sale, or distributed for use in Washington by a supplier or manufacturer must:

(i) Meet ASTM standard specification D6400;

(ii) Meet ASTM standard specification D6868; or

(iii) Be comprised of wood or fiber-based substrate only;

(b) A product described in (a)(i) or (ii) of this subsection must:

(i) Meet labeling requirements established under the United States federal trade commission's guides; and

(ii) Feature labeling that:

(A) Meets industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities;

(B) Uses a logo indicating the product has been certified by a recognized third-party independent verification body as meeting the ASTM standard specification; and

(C) Displays the word "compostable," where possible, indicating the product has been tested by a recognized third-party independent body and meets the ASTM standard specification.

(2) A compostable product described in subsection (1)(a)(i) or (ii) of this section must be considered compliant with the requirements of this section if it:

(a) Has green or brown labeling;

(b) Is labeled as compostable; and

(c) Uses distinctive color schemes, green or brown color striping, or other adopted symbols, colors, marks, or design patterns that help differentiate compostable items from noncompostable materials.

NEW SECTION. **Sec. 5.** (1) A manufacturer or supplier of a film bag that meets ASTM standard specification D6400 and is distributed or sold by retailers must ensure that the film bag is readily and easily identifiable from other film bags in a manner that is consistent with the federal trade commission guides.

(2) For purposes of this section, "readily and easily identifiable" products must meet the following requirements:

(a) Be labeled with a certification logo indicating the bag meets the ASTM D6400 standard specification if the bag has been certified as meeting that standard by a recognized third-party independent verification body;

(b) Be labeled in accordance with one of the following:

(i) The bag is made of a uniform color of green or brown and labeled with the word "compostable" on one side of the bag and the label must be at least one inch in height; or

(ii) Be labeled with the word "compostable" on both sides of the bag and the label must be one of the following:

(A) Green or brown color lettering at least one inch in height; or

(B) Within a contrasting green or brown color band of at least one inch in height on both sides of the bag with color contrasting lettering of at least one-half inch in height;

(c) Meet industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities.

(3) If a bag is smaller than fourteen inches by fourteen inches, the lettering and stripe required under

subsection (2)(b)(ii) of this section must be in proportion to the size of the bag.

(4) A film bag that meets ASTM standard specification D6400 that is sold or distributed in this state may not display a chasing arrow resin identification code or recycling type of symbol in any form.

(5) A manufacturer or supplier is required to comply with this section only to the extent that the labeling requirements do not conflict with the federal trade commission guides.

NEW SECTION. **Sec. 6.** (1)(a) A manufacturer or supplier of food service products or film products that meet ASTM standard specification D6400 or ASTM standard specification D6868 must ensure that the items are readily and easily identifiable from other plastic food service products or plastic film products in a manner that is consistent with the federal trade commission guides.

(b) Film bags are exempt from the requirements of this section, and are instead subject to the requirements of section 5 of this act.

(2) For the purposes of this section, "readily and easily identifiable" products must:

(a) Be labeled with a logo indicating the product has been certified by a recognized third-party independent verification body as meeting the ASTM standard specification;

(b) Be labeled with the word "compostable," where possible, indicating the food packaging or film product has been tested by a recognized third-party independent body and meets the ASTM standard specification; and

(c) Meet industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities.

(3) A compostable product described in subsection (1) of this section must be considered compliant with the requirements of this section if it:

(a) Has green or brown labeling;

(b) Is labeled as compostable; and

(c) Uses distinctive color schemes, green or brown color striping, or other adopted symbols, colors, marks, or design patterns that help differentiate compostable items from noncompostable materials.

(4) It is encouraged that each product described in subsection (1) of this section:

(a) Display labeling language via printing, embossing, or compostable adhesive stickers using, when possible, either the colors green or brown that contrast with background product color for easy identification; or

(b) Be tinted green or brown.

(5) Graphic elements are encouraged to increase legibility of the word "compostable" and overall product distinction that may include text boxes, stripes, bands, or a green or brown tint of the product.

(6) A manufacturer or supplier is required to comply with this section only to the extent that the labeling requirements do not conflict with the federal trade commission guides.

NEW SECTION. **Sec. 7.** A manufacturer or supplier of film products or food service products sold, offered for sale, or distributed for use in Washington that does not meet the applicable ASTM standard specifications provided in sections 5 and 6 of this act is:

(1) Prohibited from using tinting, labeling, and terms that are required of products that meet the applicable ASTM standard specifications under sections 5 and 6 of this act;

(2) Discouraged from using coloration, labeling, images, and terms that confuse consumers into believing that noncompostable bags and food service packaging are compostable; and

(3) Encouraged to use coloration, labeling, images, and terms to help consumers identify noncompostable bags and food service packaging as either: (a) Suitable for recycling; or (b) necessary to dispose as waste.

NEW SECTION. **Sec. 8.** (1) Upon the request by a person, a manufacturer or supplier shall submit to that person, within ninety days of the request, nonconfidential business information and documentation demonstrating compliance with this chapter, in a format that is easy to understand and scientifically accurate.

(2) Upon request by a commercial compost processing facility, manufacturers of compostable products are encouraged to provide the facility with information regarding the technical aspects of a commercial composting environment, such as heat or moisture, in which the manufacturer's product has been field tested and found to degrade.

NEW SECTION. **Sec. 9.** (1) The state, acting through the attorney general, and cities and counties have concurrent authority to enforce this chapter and to collect civil penalties for a violation of this chapter, subject to the conditions in this section. An enforcing government entity may impose a civil penalty in the amount of up to two thousand dollars for the first violation of this chapter, up to five thousand dollars for the second violation of this chapter, and up to ten thousand dollars for the third and any subsequent violation of this chapter. If a manufacturer or supplier has paid a prior penalty for the same violation to a different government entity with enforcement authority under this subsection, the penalty imposed by a government entity is reduced by the amount of the payment.

(2) Any civil penalties collected pursuant to this section must be paid to the office of the city attorney, city prosecutor, district attorney, or attorney general, whichever office brought the action. Penalties collected by the attorney

general on behalf of the state must be deposited in the compostable products revolving account created in section 11 of this act.

(3) The remedies provided by this section are not exclusive and are in addition to the remedies that may be available pursuant to chapter 19.86 RCW or other consumer protection laws, if applicable.

(4) In addition to penalties recovered under this section, the enforcing government entity may recover reasonable enforcement costs and attorneys' fees from the liable manufacturer or supplier.

NEW SECTION. **Sec. 10.** Manufacturers and suppliers who violate the requirements of this chapter are subject to civil penalties described in section 9 of this act. A specific violation is deemed to have occurred upon the sale of noncompliant product by stock-keeping unit number or unique item number. The repeated sale of the same noncompliant product by stock-keeping unit number or unique item number is considered a single violation. A city, county, or the state must send a written notice and a copy of the requirements to a noncompliant manufacturer or supplier of an alleged violation, who will have ninety days to become compliant. A city, county, or the state may assess a first penalty if the manufacturer or supplier has not met the requirements ninety days following the date the notification was sent. A city, county, or the state may impose second, third, and subsequent penalties on a manufacturer or supplier that remains noncompliant with the requirements of this chapter for every month of noncompliance.

NEW SECTION. **Sec. 11.** The compostable products revolving account is created in the custody of the state treasurer. All receipts from civil penalties or other amounts recovered by the state in enforcement actions under section 9 of this act must be deposited in the account. Expenditures from the account must be used by the attorney general for the payment of costs, expenses, and charges incurred in the enforcement of this chapter. Only the attorney general or the attorney general'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. 12.** Sections 1 through 11 and 13 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. **Sec. 13.** This act takes effect July 1, 2020.

NEW SECTION. **Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative DeBolt moved the adoption of amendment (315) to the striking amendment (243):

On page 4, line 6 of the striking amendment, after "wood" insert ", which includes renewable wood,"

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

Amendment (315) to the striking amendment (243), was adopted.

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

Representative Shea spoke against the adoption of the striking amendment as amended.

Division was demanded on the adoption of the striking amendment (234), as amended, and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 56 - YEAS; 41 - NAYS.

The striking amendment (234), as amended, was adopted.

The bill was ordered engrossed.

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

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

Representatives Shea and Dye spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1569.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1569, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Cody, Davis, DeBolt, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Graham, Gregerson, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Boehnke, Caldier, Chambers, Chandler, Corry, Dent, Dufault, Dye, Eslick, Gildon, Goehner, Griffey, Harris, Hoff, Irwin, Jenkin,

Klippert, Kraft, MacEwen, Maycumber, McCaslin, Mosbrucker, Orcutt, Rude, Schmick, Shea, Steele, Stokesbary, Sutherland, Van Werven, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Hansen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1569, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1900, by Representatives Callan, Dent, Senn, Appleton, Doglio, Davis, Pollet, Frame and Jinkins

Maximizing federal funding for prevention and family services and programs.

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1900.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1900, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Voting nay: Representative Chandler.

Excused: Representative Hansen.

HOUSE BILL NO. 1900, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1706, by Representatives Frame, Sells, Macri, Doglio, Gregerson, Riccelli, Callan, Jinkins, Goodman, Valdez, Bergquist, Kloba and Pollet

Eliminating subminimum wage certificates for persons with disabilities.

The bill was read the second time.

With the consent of the House, amendment (318) was withdrawn.

Representative Young moved the adoption of amendment (317):

On page 2, after line 14, insert the following:

"NEW SECTION. **Sec. 3.** (1) The joint legislative audit and review committee shall conduct a study regarding the impacts of eliminating subminimum wage certificates for persons with disabilities.

(2) At a minimum, the study must examine whether employment opportunities for persons with disabilities have increased or decreased within the first two years from the effective date of this section.

(3) The joint legislative audit and review committee shall report its findings and recommendations to the appropriate committees of the legislature by December 1, 2021. The report must include recommendations on whether reinstating subminimum wage certificates would likely increase employment for persons with disabilities.

(4) This section expires July 1, 2022."

Correct the title.

With the consent of the House, amendment (317) was withdrawn.

Representative Kilduff moved the adoption of the striking amendment (323):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 49.12.110 and 1994 c 164 s 19 are each amended to read as follows:

Subject to section 3 of this act, for any occupation in which a minimum wage has been established, the director may issue to an employer, a special certificate or permit for an employee who ((~~is physically or mentally handicapped~~)) has a disability to such a degree that he or she is unable to obtain employment in the competitive labor market, or to a trainee or learner not otherwise subject to the jurisdiction of the apprenticeship council, a special certificate or permit authorizing the employment of such employee for a wage less than the legal minimum wage; and the director shall fix the minimum wage for said person, such special certificate or permit to be issued only in such cases as the director may decide the same is applied for in good faith and that such certificate or permit shall be in force for such length of time as the director shall decide and determine is proper.

Sec. 2. RCW 49.46.060 and 1959 c 294 s 6 are each amended to read as follows:

Subject to section 3 of this act the director, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulations provide for (1) the employment of learners, of apprentices, and of messengers employed primarily in delivering letters and messages, under

special certificates issued pursuant to regulations of the director, at such wages lower than the minimum wage applicable under RCW 49.46.020 and subject to such limitations as to time, number, proportion, and length of service as the director shall prescribe, and (2) the employment of individuals whose earning capacity is impaired by ((~~age or physical or mental deficiency or injury~~)) a disability, under special certificates issued by the director, at such wages lower than the minimum wage applicable under RCW 49.46.020 and for such period as shall be fixed in such certificates.

NEW SECTION. **Sec. 3.** A new section is added to chapter 49.46 RCW to read as follows:

(1) Beginning on the effective date of this section, the director may no longer issue any new special certificates under RCW 49.12.110 and RCW 49.46.060 for the employment, at less than the minimum wage, of individuals with disabilities.

(2)(a) Special certificates that have not expired as of the effective date of this section remain valid until the certificate expires.

(b) The director may extend the duration of a special certificate that was valid as of the effective date of this section only under the following circumstances:

(i) The individual employed under the special certificate is an "eligible person" as defined under RCW 71A.10.020;

(ii) The extension will enable the individual to complete the individual's period of enrollment in an employment program before being offered an option to transition to a community access program, as provided under RCW 71A.12.290; and

(iii) The employer requests the extension of the special certificate.

(3) Before the expiration of the special certificates under this section, the director shall provide written notice to the employer, the employee, and the employee's legal guardian, legal representative as defined under RCW 71A.10.020, or other individual authorized to receive information on behalf of the employee, of the following:

(a) The expiration date of the special certificate;

(b) The option of extending the special certificate if the conditions under subsection (2) of this section are met; and

(c) The contact information for the division of the department of social and health services that provides services to individuals with developmental disabilities, and a statement that services and individualized technical assistance may be available.

(4) For the purposes of allowing the department of social and health services to prioritize services and individualized technical assistance to individuals transitioning out of subminimum wage employment, the department may share information, such as individuals' contact information and expiration dates of special certificates, with the department of social and health services.

NEW SECTION. **Sec. 4.** A new section is added to chapter 71A.10 RCW to read as follows:

(1) The department shall provide individualized technical assistance to eligible individuals employed under special certificates that will be expiring pursuant to section 3 of this act. Individualized technical assistance means services that assist individuals eligible to receive services from the department in transitioning from subminimum wage employment to other employment programs or other programs under RCW 71A.12.290.

(2) In offering individualized technical assistance, the department must prioritize individuals based on the expiration dates of the special certificates, but must offer technical assistance to an individual no later than four months prior to the expiration date of the individual's special certificate. For individuals subject to special certificates expiring sooner than four months after the effective date of this section, the department must prioritize those individuals first and offer individualized technical assistance immediately.

NEW SECTION. **Sec. 5.** (1) The department of labor and industries and the department of social and health services shall collaborate to provide reports as required under this section regarding the impacts of section 3 of this act on workers with developmental disabilities.

(2) By January 10, 2020, the departments shall submit an initial report to the appropriate committees of the legislature with the following information:

(a) The number of special certificates that have expired and the number of unexpired certificates as of the date of the report;

(b) The number of applications the department of labor and industries has received to extend certificates and the number of extensions granted; and

(c) The number of individuals who were employed under a special certificate and who have contacted the department of social and health services to receive services and the services that were provided.

(3) By October 1, 2021, the departments shall submit a final report to the appropriate committees of the legislature with the following information:

(a) The number of individuals who were employed under a special certificate and who have contacted the department of social and health services to receive technical assistance and services and the assistance and services that were provided;

(b) The number of individuals who continued to be employed after the expiration of their special certificates, and the hours worked, wages earned, and wage rate of those individuals;

(c) For individuals who did not continue employment after the expiration of the individual's special certificate, a description of alternative employment or other services, including services under chapter 71A.12 RCW, if any, that were provided to those individuals; and

(d) Any recommendations from the departments on providing employment services or other assistance to persons with disabilities.

(4) This section expires December 1, 2021."

Correct the title.

Representatives Kilduff and Corry spoke in favor of the adoption of the striking amendment.

The striking amendment (323) was adopted.

The bill was ordered engrossed.

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

Representatives Frame, Mosbrucker, Dye, Senn, Van Werven, MacEwen, Smith and Wilcox spoke in favor of the passage of the bill.

Representatives Schmick, Caldier, Jenkin and Graham spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1706.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1706, and the bill passed the House by the following vote: Yeas, 81; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Callan, Chambers, Chapman, Cody, Corry, Davis, DeBolt, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Kloba, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Morris, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Voting nay: Representatives Boehnke, Caldier, Chandler, Dent, Dufault, Dye, Eslick, Gildon, Jenkin, Klippert, Kraft, McCaslin, Orcutt, Rude, Schmick, Shea and Sutherland.

ENGROSSED HOUSE BILL NO. 1706, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed House Bill No. 1706.

Representative Chambers, 25th District

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

MESSAGE FROM THE SENATE

March 8, 2019

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5228,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5418,
ENGROSSED SENATE BILL NO. 5958,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

SECOND READING

HOUSE BILL NO. 1423, by Representatives Tharinger, Harris, Jinkins, Corry, Macri, Kloba, Leavitt and Ormsby

Concerning safe egress from adult family homes.

The bill was read the second time.

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

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

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1423.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1423, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

HOUSE BILL NO. 1423, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1092, by Representatives Fey and Jinkins

Concerning the compensation of commissioners of certain metropolitan park districts.

The bill was read the second time.

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

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

Representative Griffey spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1092.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1092, and the bill passed the House by the following vote: Yeas, 74; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Callan, Chambers, Chapman, Cody, Davis, DeBolt, Doglio, Dolan, Dufault, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Gregerson, Hansen, Hudgins, Irwin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Van Werven, Walen, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Boehnke, Chandler, Corry, Dent, Dye, Graham, Griffey, Harris, Hoff, Jenkin, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Mosbrucker, Shea, Smith, Sutherland, Vick, Volz, Walsh, Ybarra and Young.

HOUSE BILL NO. 1092, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1450, by Representatives Stanford, Kloba, Bergquist, Fitzgibbon, Sells, Ramos and Ormsby

Concerning restraints on persons engaging in lawful professions, trades, or businesses.

The bill was read the second time.

There being no objection, the House deferred action on. HOUSE BILL NO. 1450, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 1880, by Representatives Kloba, Harris, Davis, Ryu and Stanford

Creating a joint legislative task force on problem gambling.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1880 was substituted for House Bill No. 1880 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1880 was read the second time.

Representative Kloba moved the adoption of amendment (054):

On page 2, beginning on line 20, after "representatives" strike all material through "services" on line 22 and insert "with experience in problem gambling treatment and recovery services, at least one of whom must be from a federally recognized Indian tribe"

On page 2, line 25, after "(k)" insert "A representative from a problem gambling recovery group or organization;

(l) A representative from a mental health provider group or organization;

(m)"

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

On page 2, line 29, after "Other" strike "tribal representatives" and insert "representatives from federally recognized Indian tribes"

On page 2, line 34, after "of the" strike "problem gambling study" and insert "gambling commission's problem gambling study and report"

On page 2, beginning on line 36, after "Review existing" strike "programs, services, and treatment" and insert "prevention, treatment, and recovery services"

On page 3, beginning on line 7, after "(i)" strike all material through "state" on line 8 and insert "How to proceed forward with a state prevalence study measuring the adult participation in gambling and adult problem gambling in this state"

On page 3, beginning on line 12, after "(iii)" strike all material through "meets" on line 13 and insert "What steps the state should take to improve the current licensing and certification of problem gambling providers to meet"

Representatives Kloba and MacEwen spoke in favor of the adoption of the amendment.

Amendment (054) was adopted.

Representative Kloba moved the adoption of amendment (077):

On page 3, beginning on line 4, after "(d)" strike all material through "(e)" on line 6

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

Representatives Kloba and MacEwen spoke in favor of the adoption of the amendment.

Amendment (077) was adopted.

Representative Kloba moved the adoption of amendment (331):

On page 3, at the beginning of line 20, strike all material through "research" on line 20 and insert "agencies, departments, and commissions identified in subsections (1)(c) through (g) of this section. The state agencies, departments, and commissions identified in subsection (1)(c) through (g) of this section may enter into an interagency agreement related to the provision of staff support for the task force. Unless it is expressly provided for in the agreement between the agencies, departments, and commissions, nothing in this subsection requires staff of each of the agencies, departments, and commissions identified in subsection (1)(c) through (g) of this section to provide staff support to the task force"

Representatives Kloba and MacEwen spoke in favor of the adoption of the amendment.

Amendment (331) was adopted.

The bill was ordered engrossed.

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

Representatives Kloba and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1880.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1880, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1880, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1673, by Representatives Steele, Eslick, Goehner and Riccelli

Exempting information relating to the regulation of explosives from public disclosure.

The bill was read the second time.

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

Representatives Steele and Hudgins spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1673.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1673, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Voting nay: Representative Chapman.

HOUSE BILL NO. 1673, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2033, by Representatives Chambers, Paul, Dent, Van Werven, Thai, Eslick, Lekanoff, Corry, Shewmake and Frame

Concerning mandatory reporting of child abuse and neglect.

The bill was read the second time.

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

Representatives Chambers and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 2033.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2033, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

HOUSE BILL NO. 2033, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1734, by Representatives Leavitt, Boehnke, Van Werven, Slatter, Jinkins and Santos

Requiring accreditation standards for college in the high school programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1734 was substituted for House Bill No. 1734 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1734 was read the second time.

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

Representatives Leavitt and Van Werven spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1734.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1734, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1734, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1059, by Representatives Van Werven, Kraft, Kilduff, Chambers, Eslick, Vick and Leavitt

Extending the business and occupation tax return filing due date for annual filers.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1059 was substituted for House Bill No. 1059 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1059 was read the second time.

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

Representatives Van Werven and Tarleton spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1059.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1059, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 1059, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1727, by Representatives Walen and Ormsby

Concerning gift cards.

The bill was read the second time.

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

Representatives Walen and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Bill No. 1727.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1727, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

HOUSE BILL NO. 1727, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Lovick presiding) called upon Representative Orwall to preside.

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

MESSAGE FROM THE SENATE

March 11, 2019

MR. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5079,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

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

SECOND READING

HOUSE BILL NO. 1100, by Representative Jinkins

Evaluating competency to stand trial.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1100 was substituted for House Bill No. 1100 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1100 was read the second time.

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

Representatives Jinkins and Irwin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1100.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1100, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent,

Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1100, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1048, by Representatives Goodman, Stokesbary, Jinkins, Macri, Appleton, Wylie and Chambers

Modifying the process for prevailing parties to recover judgments in small claims court.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1048 was substituted for House Bill No. 1048 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1048 was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1048.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1048, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 1048, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1725, by Representatives Dent, Valdez, Schmick, Pettigrew, Orcutt, Blake, Chandler, Springer, Pollet and Riccelli

Implementing the recommendations of the pesticide application safety work group.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1725 was substituted for House Bill No. 1725 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1725 was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1725.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1725, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 1725, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1557, by Representatives MacEwen and Stanford

Concerning liquor licenses.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1557 was substituted for House Bill No. 1557 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1557 was read the second time.

Representative MacEwen moved the adoption of the striking amendment (056):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.24.010 and 2012 c 39 s 4 are each amended to read as follows:

(1) Every license must be issued in the name of the applicant, and the holder thereof may not allow any other person to use the license.

(2) For the purpose of considering any application for a license, or the renewal of a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension, revocation, or renewal or denial thereof, of any license, the ((~~liquor control~~)) board may consider any prior criminal conduct of the applicant including an administrative violation history record with the board and a criminal history record information check. The board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The board must require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW do not apply to such cases. Subject to the provisions of this section, the board may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (8)(d) and (12) of this section. Authority to approve an uncontested or unopposed license may be granted by the board to any staff member the board designates in writing. Conditions for granting such authority must be adopted by rule. No retail license of any kind may be issued to:

(a) A person doing business as a sole proprietor who has not resided in the state for at least one month prior to receiving a license, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

(b) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

(c) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

(d) A corporation or a limited liability company, unless it was created under the laws of the state of Washington or holds a certificate of authority to transact business in the state of Washington.

(3)(a) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder must be suspended or terminated, as the case may be.

(b) The board must immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate is automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) Upon written notification by the department of revenue in accordance with RCW 82.08.155 that a person is more than thirty days delinquent in reporting or remitting spirits taxes to the department, the board must suspend all spirits licenses held by that person. The board must also refuse to renew any existing spirits license of, or issue any new spirits license to, the person or any other applicant controlled directly or indirectly by that person. The board may not reinstate a person's spirits license or renew or issue a new spirits license to that person, or an applicant controlled directly or indirectly by that person, until such time as the department of revenue notifies the board that the person is current in reporting and remitting spirits taxes or that the department consents to the reinstatement or renewal of the person's spirits license or the issuance of a new spirits license to the person. For purposes of this section: (i) "Spirits license" means any license issued by the board under the authority of this chapter that authorizes the licensee to sell spirits; and (ii) "spirits taxes" has the same meaning as in RCW 82.08.155.

(d) The board may request the appointment of administrative law judges under chapter 34.12 RCW who must have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

(e) Witnesses are allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.05.446. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(f) In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, must compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee must forthwith deliver up the license to the board. Where the license has been suspended only, the board must return the license to the licensee at the expiration or termination of the period of suspension. The board must notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee may allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5)(a) ((~~At the time of~~)) For the original issuance of a ((~~spirits, beer, and wine restaurant~~)) liquor license, including the approval of a conditional license as provided in (b) of this subsection, the board must ((~~prorate the license fee charged to the new licensee according to the number of calendar quarters, or portion thereof, remaining until the first renewal of that license is required.~~

~~(b) Unless sooner canceled, every license issued by the board must expire at midnight of the thirtieth day of June of the fiscal year for which it was issued. However, if the board deems it feasible and desirable to do so, it may establish, by rule pursuant to chapter 34.05 RCW, a system for staggering the annual renewal dates for any and all licenses authorized by this chapter. If such a system of staggered annual renewal dates is established by the board, the license fees provided by this chapter must be appropriately prorated during the first year that the system is in effect.~~)) set the expiration date of the license to the last day of the calendar month that is twelve months from the calendar month in which final approval of the license is granted. Upon renewal, the expiration date of the license, including licenses approved under (b) of this subsection, may subsequently be prorated as necessary in accordance with chapter 19.02 RCW.

(b)(i) When an applicant for a liquor license is qualified for approval of the license in every way except having executed a lease or purchase agreement for the proposed licensed premises, the board must grant conditional approval to the applicant.

(ii) Upon notification to the board of execution of the lease or purchase agreement putting the applicant in control of the premises, the board must immediately grant final approval of the license issuance, and the licensee may immediately begin exercising all privileges provided under the license, except as otherwise provided under this title.

(iii) For the purposes of this title, the term "license" includes "conditional license."

(6) Every license issued under this section is subject to all conditions and restrictions imposed by this title or by rules adopted by the board. All conditions and restrictions imposed by the board in the issuance of an individual license may be listed on the face of the individual license along with the trade name, address, and expiration date. Conditions and restrictions imposed by the board may also be included in official correspondence separate from the license. All spirits licenses are subject to the condition that the spirits license holder must report and remit to the department of revenue all spirits taxes by the date due.

(7) Every licensee must post and keep posted its license, or licenses, and any additional correspondence containing conditions and restrictions imposed by the board in a conspicuous place on the premises.

(8)(a) Unless (b) of this subsection applies, before the board issues a new or renewal license to an applicant it must give notice of such application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns.

(b) If the application for a special occasion license is for an event held during a county, district, or area fair as defined by RCW 15.76.120, and the county, district, or area fair is located on property owned by the county but located within an incorporated city or town, the county legislative authority must be the entity notified by the board under (a) of this subsection. The board must send a duplicate notice to the incorporated city or town within which the fair is located.

(c) The incorporated city or town through the official or employee selected by it, or the county legislative authority or the official or employee selected by it, has the right to file with the board within twenty days after the date of transmittal of such notice for applications, or at least thirty days prior to the expiration date for renewals, written objections against the applicant or against the premises for which the new or renewal license is asked. The board may extend the time period for submitting written objections.

(d) The written objections must include a statement of all facts upon which such objections are based, and in case written objections are filed, the city or town or county legislative authority may request and the ((~~liquor control~~)) board may in its discretion hold a hearing subject to the applicable provisions of Title 34 RCW. If the board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request a hearing subject to the applicable provisions of Title 34 RCW. If such a hearing is held at the request of the applicant, ((~~liquor control~~)) board representatives must present and defend the board's initial decision to deny a license or renewal.

(e) Upon the granting of a license under this title the board must send written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns. When the license is for a special occasion license for an event held during a county, district, or area fair as defined by RCW 15.76.120, and the county, district, or area fair is located on county-owned property but located within an incorporated city or town, the written notification must be sent to both the incorporated city or town and the county legislative authority.

(9)(a) Before the board issues any license to any applicant, it shall give (i) due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools, and public institutions and (ii) written notice, with receipt verification, of the application to public institutions identified by the board as appropriate to receive such notice, churches, and schools within five hundred feet of the premises to be licensed. The board may not issue a liquor license for either on-premises or off-premises consumption covering any premises not now licensed, if such premises are within five hundred feet of the premises of any tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets, or other public passageway from the main entrance of the school to the nearest public entrance of the premises proposed for license, and if, after receipt by the school of the notice as provided in this subsection, the board receives written objection, within twenty days after receiving such notice, from an official representative or representatives of the school within five hundred feet of said proposed licensed premises, indicating to the board that there is an objection to the issuance of such license because of proximity to a school. The board may extend the time period for submitting objections. For the purpose of this section, "church" means a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith. For the purpose of this section, "public institution" means institutions of higher education, parks, community centers, libraries, and transit centers.

(b) No liquor license may be issued or reissued by the board to any motor sports facility or licensee operating within the motor sports facility unless the motor sports facility enforces a program reasonably calculated to prevent alcohol or alcoholic beverages not purchased within the facility from entering the facility and such program is approved by local law enforcement agencies.

(c) It is the intent under this subsection (9) that a retail license may not be issued by the board where doing so would, in the judgment of the board, adversely affect a private school meeting the requirements for private schools under Title 28A RCW, which school is within five hundred feet of the proposed licensee. The board must fully consider and give substantial weight to objections filed by private schools. If a license is issued despite the proximity of a private school, the board must state in a letter addressed to the private school the board's reasons for issuing the license.

(10) The restrictions set forth in subsection (9) of this section do not prohibit the board from authorizing the assumption of existing licenses now located within the restricted area by other persons or licenses or relocations of existing licensed premises within the restricted area. In no case may the licensed premises be moved closer to a church or school than it was before the assumption or relocation.

(11)(a) Nothing in this section prohibits the board, in its discretion, from issuing a temporary retail or distributor license to an applicant to operate the retail or distributor premises during the period the application for the license is pending. The board may establish a fee for a temporary license by rule.

(b) A temporary license issued by the board under this section must be for a period not to exceed sixty days. A temporary license may be extended at the discretion of the board for additional periods of sixty days upon payment of an additional fee and upon compliance with all conditions required in this section.

(c) Refusal by the board to issue or extend a temporary license shall not entitle the applicant to request a hearing. A temporary license may be canceled or suspended summarily at any time if the board determines that good cause for cancellation or suspension exists. RCW 66.08.130 applies to temporary licenses.

(d) Application for a temporary license must be on such form as the board shall prescribe. If an application for a temporary license is withdrawn before issuance or is refused by the board, the fee which accompanied such application must be refunded in full.

(12) In determining whether to grant or deny a license or renewal of any license, the board must give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW 46.61.502 associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements given to law enforcement upon arrest.

NEW SECTION. **Sec. 2.** This act takes effect January 1, 2020."

Correct the title.

Representative Stanford spoke in favor of the adoption of the striking amendment.

The striking amendment (056) was adopted.

The bill was ordered engrossed.

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

Representatives MacEwen and Stanford spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1557.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1557, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1557, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5954, by Senate Committee on Ways & Means (originally sponsored by Rolfes)

Concerning the bump-fire stock buy-back program.

The bill was read the second time.

Representative Klippert moved the adoption of amendment (350):

On page 2, line 26, after "explosives" insert ", or a Washington law enforcement agency,"

Representatives Klippert and Ormsby spoke in favor of the adoption of the amendment.

Amendment (350) was adopted.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5954, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5954, as amended by the House, and the bill passed the House by the following vote:Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Wilcox, Wylie, Ybarra and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea, Walsh and Young.

SUBSTITUTE SENATE BILL NO. 5954, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1545, by Representatives Mead, Hudgins, Morgan, Ramos, Gregerson, Wylie, Appleton, Bergquist, Doglio, Jinkins and Pollet

Concerning curing ballots to assure that votes are counted.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1545 was substituted for House Bill No. 1545 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1545 was read the second time.

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

Representatives Mead and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1545.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1545, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Volz, Walen, Walsh, Wilcox, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Dufault, Harris, Hoff, McCaslin, Vick and Ybarra.

SUBSTITUTE HOUSE BILL NO. 1545, having received the necessary constitutional majority, was declared passed.

With the consent of the House, SUBSTITUTE SENATE BILL NO. 5954 was immediately transmitted to the Senate.

The Speaker (Representative Orwall presiding) called upon Representative Tarleton to preside.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5079
SUBSTITUTE SENATE BILL NO. 5581

The Speaker (Representative Tarleton presiding) called upon Representative Orwall to preside.

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

MESSAGES FROM THE SENATE

March 11, 2019

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024,
SUBSTITUTE SENATE BILL NO. 5137,
ENGROSSED SENATE BILL NO. 5496,
SENATE BILL NO. 5506,
SENATE BILL NO. 5596,
SENATE BILL NO. 5605,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5746,
ENGROSSED SENATE BILL NO. 5779,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5812,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

March 11, 2019

MR. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5581,

and the same is herewith transmitted.

Brad Hendrickson, Secretary

March 11, 2019

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5025,
SUBSTITUTE SENATE BILL NO. 5212,
SENATE BILL NO. 5227,
SUBSTITUTE SENATE BILL NO. 5247,
SECOND SUBSTITUTE SENATE BILL NO. 5287,
SUBSTITUTE SENATE BILL NO. 5370,
SUBSTITUTE SENATE BILL NO. 5652,
SUBSTITUTE SENATE BILL NO. 5695,
SECOND SUBSTITUTE SENATE BILL NO. 5718,
SUBSTITUTE SENATE BILL NO. 5748,
SECOND SUBSTITUTE SENATE BILL NO. 5820,
SUBSTITUTE SENATE BILL NO. 5829,
SUBSTITUTE SENATE BILL NO. 5885,
SUBSTITUTE SENATE BILL NO. 5894,

and the same are herewith transmitted.

Brad Hendrickson, Secretary

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

SECOND READING

HOUSE BILL NO. 1839, by Representatives Sullivan, MacEwen, Pettigrew, Springer, Vick and Valdez

Requiring eligible arena projects to fully pay the state and local sales tax within ten years of commencing construction.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1839 was substituted for House Bill No. 1839 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1839 was read the second time.

With the consent of the House, amendment (070) was withdrawn.

Representative Stokesbary moved the adoption of amendment (345):

On page 3, beginning on line 28, strike all of subsection (9)

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

On page 4, after line 32, insert the following:

"NEW SECTION. **Sec. 3.** A new section is added to chapter 82.32 RCW to read as follows: (1) The state treasurer must deposit each of the repayments of taxes due required in subsection (4) of section 2 of this act as follows:

(a) One-third of the annual repayment of the taxes due must be deposited into the fair fund created in RCW 15.76.115;

(b) One-third of the annual repayment of the taxes due must be deposited into the home security fund account created in RCW 43.185C.060; and

(c) One-third of the annual repayment of the taxes due must be deposited into the state general fund.

(2) The state treasurer must deposit any interest assessed and accrued on taxes due pursuant to subsection (4) of section 2 of this act that is part of any annual repayment into the state general fund.

(3) In the event that an accelerated repayment schedule is authorized by the department pursuant to subsection (5) of section 2 of this act, the state treasurer must deposit any amount in excess of taxes due pursuant to subsection (4) of section 2 of this act into the state general fund."

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

Correct the title.

Representatives Stokesbary and Sullivan spoke in favor of the adoption of the amendment.

Amendment (345) was adopted.

The bill was ordered engrossed.

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

Representatives Sullivan, MacEwen, Frame and Tarleton spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1839.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1839, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dye, Entenman, Eslick, Fey, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

Voting nay: Representatives Dufault, Fitzgibbon, Pollet and Ramos.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1839, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1301, by Representatives Kirby, Fey, Jinkins, Kilduff, Morgan, Leavitt and Wylie

Exempting certain leasehold interests in arenas with a seating capacity of more than two thousand from the leasehold excise tax.

The bill was read the second time.

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

Representatives Kirby and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1301.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1301, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

HOUSE BILL NO. 1301, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Lovick to preside.

HOUSE BILL NO. 1575, by Representatives Stonier, Valdez, Ryu, Sells, Chapman, Cody, Macri, Peterson, Kloba, Lovick, Gregerson, Fey, Pollet, Senn, Riccelli, Lekanoff, Fitzgibbon, Bergquist, Stanford, Doglio, Tharinger, Goodman, Jinkins, Frame and Davis

Strengthening the rights of workers through collective bargaining by addressing authorizations and revocations, certifications, and the authority to deduct and accept union dues and fees.

The bill was read the second time.

With the consent of the House, Second Substitute House Bill No. 1575 was not adopted.

There being no objection, Substitute House Bill No. 1575 was substituted for House Bill No. 1575 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1575 was read the second time.

Amendments (192), (334), and (335) were ruled out of order.

With the consent of the House, amendment (342) was withdrawn.

Representative Kraft moved the adoption of amendment (353):

On page 1, line 21, after "employers" strike "and employee organizations"

On page 2, line 2, after "deducting" strike "and accepting"

On page 2, line 8, after "employers" strike "and an employee organization,"

On page 2, line 11, after "requiring" strike ", deducting, receiving, or retaining" and insert "or deducting"

On page 2, line 22, after "employers" strike "and employee organizations"

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

Representative Stonier spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (353) and the amendment was not adopted by the following vote: Yeas: 41 Nays: 57 Absent: 0 Excused: 0

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

Voting nay: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Amendment (353) was not adopted.

Representative Mosbrucker moved the adoption of amendment (346):

On page 5, line 1, after "written" strike ", electronic, or recorded voice" and insert "or electronic"

On page 5, line 16, after "must be" strike "in writing" and insert "written or electronic"

On page 7, line 36, after "written" strike ", electronic, or recorded voice" and insert "or electronic"

On page 8, line 13, after "must be" strike "in writing" and insert "written or electronic"

On page 9, line 14, after "written" strike ", electronic, or recorded voice" and insert "or electronic"

On page 9, line 29, after "must be" strike "in writing" and insert "written or electronic"

On page 13, line 20, after "written" strike ", electronic, or recorded voice" and insert "or electronic"

On page 13, line 35, after "must be" strike "in writing" and insert "written or electronic"

On page 16, line 24, after "written" strike ", electronic, or recorded voice" and insert "or electronic"

On page 16, line 39, after "must be" strike "in writing" and insert "written or electronic"

Beginning on page 20, line 40, after "written" strike all material through "voice" on page 21, line 1 and insert "or electronic"

On page 21, line 14, after "must be" strike "in writing" and insert "written or electronic"

On page 24, line 8, after "written" strike ", electronic, or recorded voice" and insert "or electronic"

On page 24, line 22, after "must be" strike "in writing" and insert "written or electronic"

On page 25, line 15, after "written" strike ", electronic, or recorded voice" and insert "or electronic"

On page 25, line 30, after "must be" strike "in writing" and insert "written or electronic"

Representatives Mosbrucker, Maycumber, Dufault, Kraft and Stokesbary spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (346) and the amendment was not adopted by the following vote: Yeas: 41 Nays: 57 Absent: 0 Excused: 0

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

Voting nay: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Amendment (346) was not adopted.

Representative Shea moved the adoption of amendment (357):

On page 5, beginning on line 13, after "employee" strike all material through "authorization" on line 14

On page 5, beginning on line 17, after "representative" strike all material through "authorization" on line 18

On page 8, beginning on line 10, after "employee" strike all material through "authorization" on line 11

On page 8, beginning on line 14, after "representative" strike all material through "authorization" on line 15

On page 9, beginning on line 26, after "employee" strike all material through "authorization" on line 27

On page 9, beginning on line 30, after "representative" strike all material through "authorization" on line 31

On page 13, beginning on line 32, after "employee" strike all material through "authorization" on line 33

On page 13, beginning on line 36, after "representative" strike all material through "authorization" on line 37

On page 16, beginning on line 36, after "employee" strike all material through "authorization" on line 37

On page 17, beginning on line 1, after "representative" strike all material through "authorization" on line 2

On page 21, beginning on line 11, after "employee" strike all material through "authorization" on line 12

On page 21, beginning on line 15, after "representative" strike all material through "authorization" on line 16

On page 24, beginning on line 19, after "employee" strike all material through "authorization" on line 20

On page 24, beginning on line 23, after "representative" strike all material through "authorization" on line 24

On page 25, beginning on line 27, after "employee" strike all material through "authorization" on line 28

On page 25, beginning on line 31, after "representative" strike all material through "authorization" on line 32

Representatives Shea, Shea (again), Stokesbary and Kraft spoke in favor of the adoption of the amendment.

Representative Jinkins spoke against the adoption of the amendment.

Amendment (357) was not adopted.

Representative Stokesbary moved the adoption of amendment (340):

On page 6, line 9, after "employee" insert "but only following receipt from the exclusive bargaining representative

of an agreement to indemnify and hold the employer harmless from all claims, demands, suits, or other forms of liability that arise against the employer related to the deduction of dues or fees"

On page 8, line 34, after "employee" insert "but only following receipt from the exclusive bargaining representative of an agreement to indemnify and hold the employer harmless from all claims, demands, suits, or other forms of liability that arise against the employer related to the deduction of dues or fees"

On page 9, line 24, after "representative" insert ", except that the employer may make no deduction of membership dues until it has received from the exclusive bargaining representative an agreement to indemnify and hold the employer harmless from all claims, demands, suits, or other forms of liability that arise against the employer related to the deduction of dues or fees"

On page 13, line 19, after "representative." insert "An employer may make no deduction of membership dues until it has received from the exclusive bargaining representative an agreement to indemnify and hold the employer harmless from all claims, demands, suits, or other forms of liability that arise against the employer related to the deduction of dues or fees."

On page 16, line 23, after "representative." insert "An employer may make no deduction of membership dues until it has received from the exclusive bargaining representative an agreement to indemnify and hold the employer harmless from all claims, demands, suits, or other forms of liability that arise against the employer related to the deduction of dues or fees."

On page 20, line 24, after "representative." insert "An employer may make no deduction of membership dues until it has received from the exclusive bargaining representative an agreement to indemnify and hold the employer harmless from all claims, demands, suits, or other forms of liability that arise against the employer related to the deduction of dues or fees."

On page 24, line 7, after "~~organization~~))" insert ", except that the employer may make no deduction of membership dues until it has received from the exclusive bargaining representative an agreement to indemnify and hold the employer harmless from all claims, demands, suits, or other forms of liability that arise against the employer related to the deduction of dues or fees"

On page 25, line 14, after "representative." insert "An employer may make no deduction of membership dues until it has received from the exclusive bargaining representative an agreement to indemnify and hold the employer harmless from all claims, demands, suits, or other forms of liability that arise against the employer related to the deduction of dues or fees."

Representatives Stokesbary, Maycumber, Stokebary (again) and Shea spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (340) and the amendment was not adopted by the following vote: Yeas: 41 Nays: 57 Absent: 0 Excused: 0

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

Voting nay: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

Amendment (340) was not adopted.

Representative Gildon moved the adoption of amendment (354):

Beginning on page 4, line 35, strike all of sections 5 and 6 and insert the following:

"**Sec. 5.** RCW 28B.52.045 and 2018 c 247 s 1 are each amended to read as follows:

(1)(((~~(a) A collective bargaining agreement may include union security provisions, but not a closed shop.~~

~~(b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.~~)) After the certification of the bargaining unit's exclusive bargaining representative, the employer must deduct from employee payments the monthly amount of dues as certified by the exclusive bargaining representative and must transmit the same to the exclusive bargaining representative. The employer must only make and transmit such deductions upon receipt of an employee's authorization that:

(a) Is made in writing;

(b) Is dated and signed with the employee's legally valid signature;

(c) Clearly and specifically acknowledges and waives the employee's constitutional right to not pay any union dues or fees; and

(d) Is given freely and affirmatively and not obtained through coercive or deceptive means.

(2) When an employee provides the employer with a written request to cease deducting exclusive bargaining representative dues, the employer must cease the deductions within thirty days.

(3) The employer must maintain all copies of an employee's dues deduction authorizations and cancellations provided while the employee worked in the bargaining unit for at least three years after the employee has ceased to be employed in the bargaining unit."

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

Beginning on page 7, line 27, strike all of sections 9 and 10 and insert the following:

"**Sec. 9.** RCW 41.56.110 and 2018 c 247 s 2 are each amended to read as follows:

(1) ((~~Upon the written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer shall deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(a) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.~~)) After the certification of the bargaining unit's exclusive bargaining representative, the employer must deduct from employee payments the monthly amount of dues as certified by the exclusive bargaining representative and must transmit the same to the exclusive bargaining representative. The employer must only make and transmit such deductions upon receipt of an employee's authorization that:

(a) Is made in writing;

(b) Is dated and signed with the employee's legally valid signature;

(c) Clearly and specifically acknowledges and waives the employee's constitutional right to not pay any union dues or fees; and

(d) Is given freely and affirmatively and not obtained through coercive or deceptive means.

(2) When an employee provides the employer with a written request to cease deducting exclusive bargaining representative dues, the employer must cease the deductions within thirty days.

(3) The employer must maintain all copies of an employee's dues deduction authorizations and cancellations provided while the employee worked in the bargaining unit for at least three years after the employee has ceased to be employed in the bargaining unit.

Sec. 10. RCW 41.56.113 and 2018 c 278 s 29 are each amended to read as follows:

(1) This ((~~subsection (1)~~)) section applies only if the state makes the payments directly to a family child care provider.

(((~~(a) Upon the written authorization of an individual provider who contracts with the department of social and health services, a family child care provider, an adult family home provider, or a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to (c) of this subsection, deduct from the payments to an individual provider who contracts with the department of social and health services, a family child care provider, an adult family home provider, or a language access provider the monthly amount of dues as certified by the secretary of the exclusive~~

~~bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(b) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers who contract with the department of social and health services, family child care providers, adult family home providers, or language access providers enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to (c) of this subsection, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the state, as payor, but not as the employer, shall, subject to (c) of this subsection, make such deductions upon written authorization of the individual provider, family child care provider, adult family home provider, or language access provider.~~

~~(c)(i)~~)) (2) After the certification of the bargaining unit's exclusive bargaining representative, the employer must deduct from family child care provider payments the monthly amount of dues as certified by the exclusive bargaining representative and must transmit the same to the exclusive bargaining representative. The employer will only make and transmit such deductions upon receipt of a family child care provider's authorization that:

(a) Is made in writing;

(b) Is dated and signed with the employee's legally valid signature;

(c) Clearly and specifically acknowledges and waives the employee's constitutional right to not pay any union dues or fees; and

(d) Is given freely and affirmatively and not obtained through coercive or deceptive means.

(3) When a family child care provider provides the employer with a written request to cease deducting exclusive bargaining representative dues, the employer must cease the deductions within thirty days.

(4) The employer must maintain all copies of a family child care provider's dues deduction authorizations and cancellations provided while the provider worked in the bargaining unit for at least three years after the provider has ceased to be employed in the bargaining unit.

(5)(a) The initial additional costs to the state in making deductions from the payments to ((~~individual providers,~~)) family child care providers((~~, adult family home providers, and language access providers~~)) under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(((~~(ii)~~))) (b) The allocation of ongoing additional costs to the state in making deductions from the payments to ((~~individual providers,~~)) family child care providers((~~, adult family home providers, or language access providers~~)) under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW ((~~74.39A.300,~~)) 41.56.028((~~, 41.56.029, or 41.56.510, as applicable~~)), the ongoing additional costs to the state in making deductions from the payments to ((~~individual providers,~~)) family child care providers((~~, adult family home providers,~~)) or language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(((~~(d) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license-exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.~~

~~(2) This subsection (2) applies only if the state does not make the payments directly to a language access provider.~~

~~(a) Upon the written authorization of a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state shall require through its contracts with third parties that:~~

~~(i) The monthly amount of dues as certified by the secretary of the exclusive bargaining representative be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and~~

~~(ii) A record showing that dues have been deducted as specified in (a)(i) of this subsection be provided to the state.~~

~~(b) If the governor and the exclusive bargaining representative of the bargaining unit of language access providers enter into a collective bargaining agreement that includes a union security provision authorized in RCW 41.56.122, the state shall enforce the agreement by requiring through its contracts with third parties that:~~

~~(i) The monthly amount of dues required for membership in the exclusive bargaining representative as certified by the secretary of the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues, be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and~~

~~(ii) A record showing that dues or fees have been deducted as specified in (a)(i) of this subsection be provided to the state.~~

~~(3) This subsection (3) applies only to individual providers who contract with the department of social and health services. If the governor and the exclusive bargaining representative of a bargaining unit of individual providers enter into a collective bargaining agreement that meets the requirements in subsection (1)(b)(i) or (ii) of this section, and the state as payor, but not as the employer, contracts with a third party entity to perform its obligations as set forth in those subsections, and that third party contracts with the exclusive bargaining representative to perform voluntary deductions for individual providers, the exclusive bargaining representative may direct the third party to make the deductions required by the collective bargaining agreement, at the expense of the exclusive bargaining representative, so long as such deductions by the exclusive bargaining representative do not conflict with any federal or state law.~~))"

Beginning on page 13, line 4, strike all of section 12 and insert the following:

"**Sec. 12.** RCW 41.59.060 and 2018 c 247 s 3 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities ((~~except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.~~

~~(2)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~)).

(2) After the certification of the bargaining unit's exclusive bargaining representative, the employer must deduct from employee payments the monthly amount of dues as certified by the exclusive bargaining representative and must transmit the same to the exclusive bargaining representative. The employer must only make and transmit such deductions upon receipt of an employee's authorization that:

(a) Is made in writing;

(b) Is dated and signed with the employee's legally valid signature;

(c) Clearly and specifically acknowledges and waives the employee's constitutional right to not pay any union dues or fees; and

(d) Is given freely and affirmatively and not obtained through coercive or deceptive means.

(3) When an employee provides the employer with a written request to cease deducting exclusive bargaining representative dues, the employer must cease the deductions within thirty days.

(4) The employer must maintain all copies of an employee's dues deduction authorizations and cancellations provided while the employee worked in the bargaining unit for at least three years after the employee has ceased to be employed in the bargaining unit."

Beginning on page 16, line 13, strike all of section 14 and insert the following:

"**Sec. 14.** RCW 41.76.045 and 2018 c 247 s 4 are each amended to read as follows:

(1)(((~~(a) A collective bargaining agreement may include union security provisions, but not a closed shop.~~

~~(b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable~~

~~organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.~~)) After the certification of the bargaining unit's exclusive bargaining representative, the employer must deduct from employee payments the monthly amount of dues as certified by the exclusive bargaining representative and must transmit the same to the exclusive bargaining representative. The employer must only make and transmit such deductions upon receipt of an employee's authorization that:

(a) Is made in writing;

(b) Is dated and signed with the employee's legally valid signature;

(c) Clearly and specifically acknowledges and waives the employee's constitutional right to not pay any union dues or fees; and

(d) Is given freely and affirmatively and not obtained through coercive or deceptive means.

(2) When an employee provides the employer with a written request to cease deducting exclusive bargaining representative dues, the employer must cease the deductions within thirty days.

(3) The employer must maintain all copies of an employee's dues deduction authorizations and cancellations provided while the employee worked in the bargaining unit for at least three years after the employee has ceased to be employed in the bargaining unit."

Beginning on page 19, line 27, strike all of section 18 and insert the following:

"**Sec. 18.** RCW 41.80.100 and 2018 c 247 s 5 are each amended to read as follows:

(1) ((~~A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.~~

(~~2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.~~

(~~3)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

(~~b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

(~~i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

(~~ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

(~~4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.~~)) After the certification of the bargaining unit's exclusive bargaining representative, the employer must deduct from employee payments the monthly amount of dues as certified by the exclusive bargaining representative and must transmit the same to the exclusive bargaining representative. The employer must only make and transmit such deductions upon receipt of an employee's authorization that:

(a) Is made in writing;

(b) Is dated and signed with the employee's legally valid signature;

(c) Clearly and specifically acknowledges and waives the employee's constitutional right to not pay any union dues or fees; and

(d) Is given freely and affirmatively and not obtained through coercive or deceptive means.

(2) When an employee provides the employer with a written request to cease deducting exclusive bargaining representative dues, the employer must cease the deductions within thirty days.

(3) The employer must maintain all copies of an employee's dues deduction authorizations and cancellations provided while the employee worked in the bargaining unit for at least three years after the employee has ceased to be employed in the bargaining unit."

Beginning on page 23, line 26, strike all of section 20 and insert the following:

"**Sec. 20.** RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

((~~A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.~~)) (1) After the certification of the bargaining unit's exclusive bargaining representative, the employer must deduct from ferry employee payments the monthly amount of dues as certified by the exclusive bargaining representative and must transmit the same to the exclusive bargaining representative. The employer will only make and transmit such deductions upon receipt of an employee's authorization that:

(a) Is made in writing;

(b) Is dated and signed with the employee's legally valid signature;

(c) Clearly and specifically acknowledges and waives the employee's constitutional right to not pay any union dues or fees; and

(d) Is given freely and affirmatively and not obtained through coercive or deceptive means.

(2) When a ferry employee provides the employer with a written request to cease deducting exclusive bargaining representative dues, the employer must cease the deductions within thirty days.

(3) The employer must maintain all copies of a ferry employee's dues deduction authorizations and cancellations provided while the employee worked in the bargaining unit for at least three years after the employee has ceased to be employed in the bargaining unit."

Beginning on page 25, line 6, strike all of section 22 and insert the following:

"**Sec. 22.** RCW 49.39.080 and 2018 c 247 s 6 are each amended to read as follows:

(1) ((~~Upon the written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(a) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.~~)) After the certification of the bargaining unit's exclusive bargaining representative, the employer must deduct from employee payments the monthly amount of dues as certified by the exclusive bargaining representative and must transmit the same to the exclusive bargaining representative. The employer must only make and transmit such deductions upon receipt of an employee's authorization that:

(a) Is made in writing;

(b) Is dated and signed with the employee's legally valid signature;

(c) Clearly and specifically acknowledges and waives the employee's constitutional right to not pay any union dues or fees; and

(d) Is given freely and affirmatively and not obtained through coercive or deceptive means.

(2) When an employee provides the employer with a written request to cease deducting exclusive bargaining representative dues, the employer must cease the deductions within thirty days.

(3) The employer must maintain all copies of an employee's dues deduction authorizations and cancellations provided while the employee worked in the bargaining unit for at least three years after the employee has ceased to be employed in the bargaining unit."

Representatives Gildon, Stokesbary and Graham spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

Division was demanded on the adoption of amendment (354) and the demand was sustained. The Speaker (Representative Lovick presiding) divided the House. The result was 41 - YEAS; 57 - NAYS.

Amendment (354) was not adopted.

With the consent of the House, amendments (348), (356), (347) and (351) were withdrawn.

Representative Hoff moved the adoption of the striking amendment (352):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW to read as follows:

(1) The legislature finds and declares application of this section to pending claims and actions clarifies existing state law rather than changes it. Public employees who paid agency or fair share fees as a condition of public employment in accordance with state law and supreme court precedent before June 27, 2018, had no legitimate expectation of receiving that money under any available cause of action. Public employers and employee organizations who relied on, and abided by, state law and supreme court precedent in deducting and accepting those fees were not liable to refund them. Agency or fair share fees paid for collective bargaining representation that employee organizations were obligated by state law to provide to public employees. Application of this section to pending claims will preserve, rather than interfere with, important reliance interests.

(2) Public employers and an employee organization, or any of their employees or agents, are not liable for, and have a complete defense to, any claims or actions under the law of this state for requiring, deducting, receiving, or retaining agency or fair share fees from public employees, and current or former public employees do not have standing to pursue these claims or actions, if the fees were permitted at the time under the laws of this state then in force and paid, through payroll deduction or otherwise, before June 27, 2018.

(a) This section applies to all claims and actions pending on the effective date of this section, and to claims and actions filed on or after the effective date of this section.

(b) This section may not be interpreted to infer that any relief made unavailable by this section would otherwise be available.

(3) This section is necessary to provide certainty to public employers and employee organizations that relied on state law, and to avoid disruption of public employee labor relations, after the supreme court's decision in *Janus v. American Federation of State, County, and Municipal Employees, Council 31* (2018) 138 S.Ct. 2448.

(4) For purposes of this section:

(a) "Employee organization" means any organization that functioned as an exclusive collective bargaining representative for public employees under any statute, ordinance, regulation, or other state or local law, and any labor organization with which it was affiliated.

(b) "Public employer" means any public employer including, but not limited to, the state, a court, a city, a county, a city and county, a school district, a community college district, an institution of higher education and its board or regents, a transit district, any public authority, any public agency, any other political subdivision or public corporation, or any other entity considered a public employer for purposes of the labor relations statutes of Washington.

Sec. 2. RCW 28B.52.020 and 1991 c 238 s 146 are each amended to read as follows:

As used in this chapter:

(1) "Employee organization" means any organization which includes as members the academic employees of a college district and which has as one of its purposes the representation of the employees in their employment relations with the college district.

(2) "Academic employee" means any teacher, counselor, librarian, or department head, who is employed by any college district, whether full or part time, with the exception of the chief administrative officer of, and any administrator in, each college district.

(3) "Administrator" means any person employed either full or part time by the college district and who performs administrative functions as at least fifty percent or more of his or her assignments, and has responsibilities to hire, dismiss, or discipline other employees. Administrators shall not be members of the bargaining unit unless a majority of such administrators and a majority of the bargaining unit elect by secret ballot for such inclusion pursuant to rules as adopted in accordance with RCW 28B.52.080.

(4) "Commission" means the public employment relations commission.

(5) "Unfair labor practice" means any unfair labor practice listed in RCW 28B.52.073.

(6) ((~~"Union security provision" means a provision in a collective bargaining agreement under which some or all employees in the bargaining unit may be required, as a condition of continued employment on or after the thirtieth day following the beginning of such employment or the effective date of the provision, whichever is later, to become a member of the exclusive bargaining representative or pay an agency fee equal to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative.~~

((~~(7)~~)) "Exclusive bargaining representative" means any employee organization which has:

(a) Been certified or recognized under this chapter as the representative of the employees in an appropriate collective bargaining unit; or

(b) Before July 26, 1987, been certified or recognized under a predecessor statute as the representative of the employees in a bargaining unit which continues to be appropriate under this chapter.

(((~~(8)~~)) (7) "Collective bargaining" and "bargaining" mean the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times to bargain in good faith in an effort to reach agreement with respect to wages, hours, and other terms and conditions of employment, such as procedures related to nonretention, dismissal, denial of tenure, and reduction in force. Prior law, practice, or interpretation shall be neither restrictive, expansive, nor determinative with respect to the scope of bargaining. A written contract incorporating any agreements reached shall be executed if requested by either party. The obligation to bargain does not compel either party to agree to a proposal or to make a concession.

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which items are mandatory subjects for bargaining.

Sec. 3. RCW 28B.52.030 and 1991 c 238 s 147 are each amended to read as follows:

Representatives of an employee organization, which organization shall by secret ballot have won a majority in an election to represent the academic employees within its college district, shall have the right to bargain ((~~as defined in RCW 28B.52.020(8)~~)).

Sec. 4. RCW 28B.52.025 and 1987 c 314 s 5 are each amended to read as follows:

Employees have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and also have the right to refrain from any or all of these activities ((~~except to the extent that employees may be required to make payments to an exclusive bargaining representative or charitable organization under a union security provision authorized in this chapter~~)).

NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.52 RCW to read as follows:

(1)(a) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the employer. If the employer receives an authorization of deductions, the employer shall as soon as practicable forward a copy to the exclusive bargaining representative.

(b) Upon receiving the employee's authorization, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(c) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(2)(a) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the employer.

(b) After the employer receives an employee's deduction authorization revocation, the employer shall end the deduction effective on the first payroll after receipt of the revocation.

Sec. 6. RCW 28B.52.045 and 2018 c 247 s 1 are each amended to read as follows:

(1)(((~~(a) A collective bargaining agreement may include union security provisions, but not a closed shop.~~

(~~b~~))) Upon ((~~written~~)) authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(((~~(c)~~))) (2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that((~~:~~

(~~i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

(~~ii~~))) includes requirements for deductions of other payments ((~~other than the deduction under (c)(i) of this subsection~~)), the employer must make such deductions upon ((~~written~~)) authorization of the employee.

(((~~(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee~~

~~organization do not reach agreement on such matter, the commission shall designate the charitable organization.~~))

Sec. 7. RCW 41.56.060 and 2005 c 232 s 1 are each amended to read as follows:

(1) The commission, after hearing upon reasonable notice, shall decide in each application for certification as an exclusive bargaining representative, the unit appropriate for the purpose of collective bargaining. In determining, modifying, or combining the bargaining unit, the commission shall consider the duties, skills, and working conditions of the public employees; the history of collective bargaining by the public employees and their bargaining representatives; the extent of organization among the public employees; and the desire of the public employees. The commission shall determine the bargaining representative by: (a) Examination of organization membership rolls; (b) comparison of signatures on organization bargaining authorization cards, as provided under section 8 of this act; or (c) conducting an election specifically therefor.

(2) For classified employees of school districts and educational service districts:

(a) Appropriate bargaining units existing on July 24, 2005, may not be divided into more than one unit without the agreement of the public employer and the certified bargaining representative of the unit; and

(b) In making bargaining unit determinations under this section, the commission must consider, in addition to the factors listed in subsection (1) of this section, the avoidance of excessive fragmentation.

NEW SECTION. **Sec. 8.** A new section is added to chapter 41.56 RCW to read as follows:

(1) Except as provided under subsection (2) of this section, if only one employee organization is seeking certification as the exclusive bargaining representative of a bargaining unit for which there is no incumbent exclusive bargaining representative, the commission may determine the question concerning representation by conducting a cross-check comparing the employee organization's membership records or bargaining authorization cards against the employment records of the employer. A determination through a cross-check process may be made upon a showing of interest submitted in support of the exclusive bargaining representative by more than fifty percent of the employees. The commission may adopt rules to implement this section.

(2) This section does not apply to those employees under RCW 41.56.026, 41.56.028, 41.56.029, and 41.56.510.

Sec. 9. RCW 41.56.110 and 2018 c 247 s 2 are each amended to read as follows:

(1) Upon the ((~~written~~)) authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer shall deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2)(a) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the employer. If the employer receives an authorization of deductions, the employer shall as soon as practicable forward a copy to the exclusive bargaining representative.

(b) Upon receiving the employee's authorization, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(c) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(3)(a) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the employer.

(b) After the employer receives an employee's deduction authorization revocation, the employer shall end the deduction effective on the first payroll after receipt of the revocation.

(4) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that((~~:~~

~~(a) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(b)~~)) includes requirements for deductions of other payments ((~~other than the deduction under (a) of this subsection~~)), the employer must make such deductions upon ((~~written~~)) authorization of the employee.

Sec. 10. RCW 41.56.113 and 2018 c 278 s 29 are each amended to read as follows:

(1) This subsection (1) applies only if the state makes the payments directly to a provider.

(a) Upon the ((~~written~~)) authorization of an individual provider who contracts with the department of social and health services, a family child care provider, an adult family home provider, or a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to (c) of this subsection, deduct from the payments to an individual provider who contracts with the department of social and health services, a family child care

provider, an adult family home provider, or a language access provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(b)(i) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the employer. If the employer receives an authorization of deductions, the employer shall as soon as practicable forward a copy to the exclusive bargaining representative.

(ii) Upon receiving the employee's authorization, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(iii) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(iv) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the employer.

(v) After the employer receives an employee's deduction authorization revocation, the employer shall end the deduction effective on the first payroll after receipt of the revocation.

(vi) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers who contract with the department of social and health services, family child care providers, adult family home providers, or language access providers enter into a collective bargaining agreement that((~~:~~

~~(i) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to (c) of this subsection, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii)~~)) includes requirements for deductions of other payments ((~~other than the deduction under (b)(i) of this subsection~~)), the state, as payor, but not as the employer, shall, subject to (c) of this subsection, make such deductions upon ((~~written~~)) authorization of the individual provider, family child care provider, adult family home provider, or language access provider.

(c)(i) The initial additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, and language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(ii) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300, 41.56.028, 41.56.029, or 41.56.510, as applicable, the ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(((~~(d) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license-exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.~~))

(2) This subsection (2) applies only if the state does not make the payments directly to a language access provider. (((~~(a)~~))) Upon the ((~~written~~)) authorization of a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state shall require through its contracts with third parties that:

(((~~(i)~~))) (a) The monthly amount of dues as certified by the secretary of the exclusive bargaining representative be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and

(((~~(ii)~~))) (b) A record showing that dues have been deducted as specified in (a)(((~~(i)~~))) of this subsection be provided to the state.

(((~~(b) If the governor and the exclusive bargaining representative of the bargaining unit of language access providers enter into a collective bargaining agreement that includes a union security provision authorized in RCW 41.56.122, the state shall enforce the agreement by requiring through its contracts with third parties that:~~

~~(i) The monthly amount of dues required for membership in the exclusive bargaining representative as certified by the secretary of the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues, be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and~~

~~(ii) A record showing that dues or fees have been deducted as specified in (a)(i) of this subsection be provided to the state.~~))

(3) This subsection (3) applies only to individual providers who contract with the department of social and health services. ((~~If the governor and the exclusive bargaining representative of a bargaining unit of individual providers enter into a collective bargaining agreement that meets the requirements in subsection (1)(b)(i) or (ii) of this section, and the state as payor, but not as the employer, contracts with a third-party entity to perform its obligations as set forth in those subsections, and that third-party contracts with the exclusive bargaining representative to perform voluntary deductions for individual providers, the exclusive bargaining representative may direct the third-party to make the deductions required by the collective bargaining agreement, at the expense of the exclusive bargaining representative, so long as such deductions by the exclusive bargaining representative do not conflict with any federal or state law.~~)) The exclusive bargaining representative of individual providers may designate a third-party entity to act as the individual provider's agent in receiving payments from the state to the individual provider, so long as the individual provider has entered into an agency agreement with a third-party entity for the purposes of deducting and remitting voluntary payments to the exclusive bargaining representative. A third-party entity that receives such payments is responsible for making and remitting deductions authorized by the individual provider. The costs of such deductions must be paid by the exclusive bargaining representative.

Sec. 11. RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each amended to read as follows:

A collective bargaining agreement may((~~:~~

~~(1) Contain union security provisions: PROVIDED, That nothing in this section shall authorize a closed shop provision: PROVIDED FURTHER, That agreements involving union security provisions must safeguard the right of nonassociation of public employees based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member. Such public employee shall pay an amount of money equivalent to regular union dues and initiation fee to a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such public employee would otherwise pay the dues and initiation fee. The public employee shall furnish written proof that such payment has been made. If the public employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization. When there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the public employer or its agents, including but not limited to, a civil service commission, the terms of the collective bargaining agreement shall prevail.~~

~~(2)~~)) provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement.

Sec. 12. RCW 41.59.060 and 2018 c 247 s 3 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities ((~~except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter~~)).

(2)(a) Upon ((~~written~~)) authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the employer. If the employer receives an authorization of deductions, the employer shall as soon as practicable forward a copy to the exclusive bargaining representative.

(c) Upon receiving the employee's authorization, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(d) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(e) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the employer.

(f) After the employer receives confirmation from the exclusive bargaining representative that the employee has revoked authorization for deductions, the employer shall end the deduction effective on the first payroll after receipt of the confirmation.

(3) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that((~~:~~

~~(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii)~~)) includes requirements for deductions of other payments ((~~other than the deduction under (b)(i) of this subsection~~)), the employer must make such deductions upon ((~~written~~)) authorization of the employee.

Sec. 13. RCW 41.76.020 and 2002 c 356 s 7 are each amended to read as follows:

The commission shall certify exclusive bargaining representatives in accordance with the procedures specified in this section.

(1) No question concerning representation may be raised within one year following issuance of a certification under this section.

(2) If there is a valid collective bargaining agreement in effect, no question concerning representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement: PROVIDED, That in the event a valid collective bargaining agreement, together with any renewals or extensions thereof, has been or will be in existence for more than three years, then a question concerning representation may be raised not more than ninety nor less than sixty days prior to the third anniversary date or any subsequent anniversary date of the agreement; and if the exclusive bargaining representative is removed as the result of such procedure, the collective bargaining agreement shall be deemed to be terminated as of the date of the certification or the anniversary date following the filing of the petition, whichever is later.

(3) An employee organization seeking certification as exclusive bargaining representative of a bargaining unit, or faculty members seeking decertification of their exclusive bargaining representative, must make a confidential showing to the commission of credible evidence demonstrating that at least thirty percent of the faculty in the bargaining unit are in support of the petition. The petition must indicate the name, address, and telephone number of any employee organization known to claim an interest in the bargaining unit.

(4) A petition filed by an employer must be supported by credible evidence demonstrating the good faith basis on which the employer claims the existence of a question concerning the representation of its faculty.

(5) Any employee organization which makes a confidential showing to the commission of credible evidence demonstrating that it has the support of at least ten percent of the faculty in the bargaining unit involved is entitled to intervene in proceedings under this section and to have its name listed as a choice on the ballot in an election conducted by the commission.

(6) The commission shall determine any question concerning representation by conducting a secret ballot election among the faculty members in the bargaining unit, except under the following circumstances:

(a) If only one employee organization is seeking certification as exclusive bargaining representative of a bargaining unit for which there is no incumbent exclusive bargaining representative, the commission may((~~, upon the concurrence of the employer and the employee organization,~~)) determine the question concerning representation by conducting a cross-check comparing the employee organization's membership records or bargaining authorization cards against the employment records of the employer. A determination through a cross-check process may be made upon a showing of interest submitted in support of the exclusive bargaining representative by more than fifty percent of the employees; or

(b) If the commission determines that a serious unfair labor practice has been committed which interfered with the election process and precludes the holding of a fair election, the commission may determine the question concerning representation by conducting a cross-check comparing the employee organization's membership records or bargaining authorization cards against the employment records of the employer.

(c) The commission may adopt rules to implement this subsection (6).

(7) The representation election ballot must contain a choice for each employee organization qualifying under subsection (3) or (5) of this section, together with a choice for no representation. The representation election shall be determined by the majority of the valid ballots cast. If there are three or more choices on the ballot and none of the three or more choices receives a majority of the valid ballots cast, a runoff election shall be conducted between the two choices receiving the highest and second highest numbers of votes.

(8) The commission shall certify as the exclusive bargaining representative the employee organization that has been determined to represent a majority of faculty members in a bargaining unit.

Sec. 14. RCW 41.76.045 and 2018 c 247 s 4 are each amended to read as follows:

(1)(a) ((~~A collective bargaining agreement may include union security provisions, but not a closed shop.~~

~~(b)~~)) Upon ((~~written~~)) authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(((~~c~~))) (b) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the employer. If the employer receives an authorization of deductions, the employer shall as soon as practicable forward a copy to the exclusive bargaining representative.

(c) Upon receiving the employee's authorization, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(d) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(e) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the employer.

(f) After the employer receives an employee's deduction authorization, the employer shall end the deduction effective on the first payroll after receipt of the revocation.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that((~~:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii)~~)) includes requirements for deductions of other payments ((~~other than the deduction under (e)(i) of this subsection~~)), the employer must make such deductions upon ((~~written~~)) authorization of the employee.

(((~~(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.~~))

Sec. 15. RCW 41.80.050 and 2002 c 354 s 306 are each amended to read as follows:

Except as may be specifically limited by this chapter, employees shall have the right to self-organization, to form, join, or assist employee organizations, and to bargain collectively through representatives of their own choosing for the purpose of collective bargaining free from interference, restraint, or coercion. Employees shall also have the right to refrain from any or all such activities ((~~except to the extent that they may be required to pay a fee to an exclusive bargaining representative under a union security provision authorized by this chapter~~)).

NEW SECTION. **Sec. 16.** A new section is added to chapter 41.80 RCW to read as follows:

If only one employee organization is seeking certification as exclusive bargaining representative of a bargaining unit for which there is no incumbent exclusive bargaining representative, the commission may determine the question concerning representation by conducting a cross-check comparing the employee organization's membership records or bargaining authorization cards against the employment records of the employer. A determination through a cross-check process may be made upon a showing of interest submitted in support of the exclusive bargaining representative by more than fifty percent of the employees. The commission may adopt rules to implement this section.

Sec. 17. RCW 41.80.080 and 2002 c 354 s 309 are each amended to read as follows:

(1) The commission shall determine all questions pertaining to representation and shall administer all elections and cross-check procedures, and be responsible for the processing and adjudication of all disputes that arise as a consequence of elections and cross-check procedures. The commission shall adopt rules that provide for at least the following:

(a) Secret balloting;

(b) Consulting with employee organizations;

(c) Access to lists of employees, job classification, work locations, and home mailing addresses;

(d) Absentee voting;

(e) Procedures for the greatest possible participation in voting;

(f) Campaigning on the employer's property during working hours; and

(g) Election observers.

(2)(a) If an employee organization has been certified as the exclusive bargaining representative of the employees of a bargaining unit, the employee organization may act for and negotiate master collective bargaining agreements that will include within the coverage of the agreement all employees in the bargaining unit as provided in RCW 41.80.010(2)(a). However, if a master collective bargaining agreement is in effect for the exclusive bargaining representative, it shall apply to the bargaining unit for which the certification has been issued. Nothing in this section requires the parties to engage in new negotiations during the term of that agreement.

(b) This subsection (2) does not apply to exclusive bargaining representatives who represent employees of institutions of higher education.

(3) The certified exclusive bargaining representative shall be responsible for representing the interests of all the employees in the bargaining unit. This section shall not be construed to limit an exclusive representative's right to exercise its discretion to refuse to process grievances of employees that are unmeritorious.

(4) No question concerning representation may be raised if:

(a) Fewer than twelve months have elapsed since the last certification or election; or

(b) A valid collective bargaining agreement exists covering the unit, except for that period of no more than one

hundred twenty calendar days nor less than ninety calendar days before the expiration of the contract.

Sec. 18. RCW 41.80.100 and 2018 c 247 s 5 are each amended to read as follows:

(1) ((~~A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.~~

~~(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.~~

~~(3)(a)~~)) Upon ((~~written~~)) authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

((~~(b)~~)) (2)(a) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that((~~:~~

~~(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii)~~)) includes requirements for deductions of other payments ((~~other than the deduction under (b)(i) of this subsection~~)), the employer must make such deductions upon ((~~written~~)) authorization of the employee.

((~~(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.~~)) (b) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the employer. If the employer receives an authorization of deductions, the employer shall as soon as practicable forward a copy to the exclusive bargaining representative.

(c) Upon receiving the employee's authorization, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(d) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(e) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the employer.

(f) After the employer receives an employee's deduction authorization revocation, the employer shall end the deduction effective on the first payroll after receipt of the revocation.

(g) The employer shall rely on information provided by the exclusive bargaining representative regarding the authorization and revocation of deductions.

Sec. 19. RCW 47.64.090 and 2011 1st sp.s. c 16 s 25 are each amended to read as follows:

(1) Except as provided in RCW 47.60.656 and subsections (2) and (4) of this section, or as provided in RCW 36.54.130 and subsection (3) of this section, if any party assumes the operation and maintenance of any ferry or ferry system by rent, lease, or charter from the department of transportation, such party shall assume and be bound by all the provisions herein and any agreement or contract for such operation of any ferry or ferry system entered into by the department shall provide that the wages to be paid, hours of employment, working conditions, and seniority rights of employees will be established by the commission in accordance with the terms and provisions of this chapter and it shall further provide that all labor disputes shall be adjudicated in accordance with chapter 47.64 RCW.

(2) If a public transportation benefit area meeting the requirements of RCW 36.57A.200 has voter approval to operate passenger-only ferry service, it may enter into an agreement with Washington State Ferries to rent, lease, or purchase passenger-only vessels, related equipment, or terminal space for purposes of loading and unloading the passenger-only ferry. Charges for the vessels, equipment, and space must be fair market value taking into account the public benefit derived from the ferry service. A benefit area or subcontractor of that benefit area that qualifies under this subsection is not subject to the restrictions of subsection (1) of this section, but is subject to:

(a) The terms of those collective bargaining agreements that it or its subcontractors negotiate with the

exclusive bargaining representatives of its or its subcontractors' employees under chapter 41.56 RCW or the National Labor Relations Act, as applicable;

(b) Unless otherwise prohibited by federal or state law, a requirement that the benefit area and any contract with its subcontractors, give preferential hiring to former employees of the department of transportation who separated from employment with the department because of termination of the ferry service by the state of Washington; and

(c) Unless otherwise prohibited by federal or state law, a requirement that the benefit area and any contract with its subcontractors, on any questions concerning representation of employees for collective bargaining purposes, may be determined by conducting a cross-check comparing an employee organization's membership records or bargaining authorization cards against the employment records of the employer. A determination through a cross-check process may be made upon a showing of interest submitted in support of the exclusive bargaining representative by more than fifty percent of the employees.

(3) If a ferry district is formed under RCW 36.54.110 to operate passenger-only ferry service, it may enter into an agreement with Washington State Ferries to rent, lease, or purchase vessels, related equipment, or terminal space for purposes of loading and unloading the ferry. Charges for the vessels, equipment, and space must be fair market value taking into account the public benefit derived from the ferry service. A ferry district or subcontractor of that district that qualifies under this subsection is not subject to the restrictions of subsection (1) of this section, but is subject to:

(a) The terms of those collective bargaining agreements that it or its subcontractors negotiate with the exclusive bargaining representatives of its or its subcontractors' employees under chapter 41.56 RCW or the national labor relations act, as applicable;

(b) Unless otherwise prohibited by federal or state law, a requirement that the ferry district and any contract with its subcontractors, give preferential hiring to former employees of the department of transportation who separated from employment with the department because of termination of the ferry service by the state of Washington; and

(c) Unless otherwise prohibited by federal or state law, a requirement that the ferry district and any contract with its subcontractors, on any questions concerning representation of employees for collective bargaining purposes, may be determined by conducting a cross-check comparing an employee organization's membership records or bargaining authorization cards against the employment records of the employer.

(4) The department of transportation shall make its terminal, dock, and pier space available to private operators of passenger-only ferries if the space can be made available without limiting the operation of car ferries operated by the department. These private operators are not bound by the provisions of subsection (1) of this section. Charges for the equipment and space must be fair market value taking into account the public benefit derived from the passenger-only ferry service.

Sec. 20. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include ((~~union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to,~~)) a provision for members of the bargaining unit to authorize the deduction of membership dues from their salary, and the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership ((~~in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization~~)). An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the employer. If the employer receives an authorization of deductions, the employer shall as soon as practicable forward a copy to the exclusive bargaining representative.

(2)(a) Upon receiving the employee's authorization, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(b) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(c) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the employer.

(d) After the employer receives an employee's deduction authorization revocation, the employer shall end the deduction effective on the first payroll after receipt of the revocation.

NEW SECTION. **Sec. 21.** A new section is added to chapter 49.39 RCW to read as follows:

If only one employee organization is seeking certification as exclusive bargaining representative of a bargaining unit for which there is no incumbent exclusive bargaining representative, the commission may determine the question concerning representation by conducting a cross-check comparing the employee organization's membership records or bargaining authorization cards

against the employment records of the employer. A determination through a cross-check process may be made upon a showing of interest submitted in support of the exclusive bargaining representative by more than fifty percent of the employees. The commission may adopt rules to implement this section.

Sec. 22. RCW 49.39.080 and 2018 c 247 s 6 are each amended to read as follows:

(1) Upon the ((~~written~~)) authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(2)(a) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the employer. If the employer receives an authorization of deductions, the employer shall as soon as practicable forward a copy to the exclusive bargaining representative.

(b) Upon receiving the employee's authorization, the employer shall deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(c) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(d) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the employer.

(e) After the employer receives an employee's deduction authorization revocation, the employer shall end the deduction effective on the first payroll after receipt of the revocation.

(3) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that((~~:~~

~~(a) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(b)~~)) includes requirements for deductions of other payments ((~~other than the deduction under (a) of this subsection~~)), the employer must make such deductions upon ((~~written~~)) authorization of the employee.

Sec. 23. RCW 49.39.090 and 2010 c 6 s 10 are each amended to read as follows:

A collective bargaining agreement may((~~:~~

~~(1) Contain union security provisions. However, nothing in this section authorizes a closed shop provision. Agreements involving union security provisions must safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which the symphony musician is a member. The symphony musician must pay an amount of money equivalent to regular union dues and initiation fee to a nonreligious charity or to another charitable organization mutually agreed upon by the symphony musician affected and the bargaining representative to which the symphony musician would otherwise pay the dues and initiation fee. The symphony musician must furnish written proof that the payment has been made. If the symphony musician and the bargaining representative do not reach agreement on this matter, the commission must designate the charitable organization;~~

~~(2)~~)) provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement.

Sec. 24. RCW 53.18.050 and 1967 c 101 s 5 are each amended to read as follows:

A labor agreement signed by a port district may contain:

(1) Provisions that the employee organization chosen by a majority of the employees in a grouping or unit will be recognized as the representative of all employees in the classification included in such grouping or unit;

(2) Maintenance of membership provisions including dues ((~~check-off~~)) cross-check arrangements as provided in section 8 of this act; and

(3) Provisions providing for binding arbitration, the expenses being equally borne by the parties, in matters of contract interpretation and the settlement of jurisdictional disputes.

NEW SECTION. **Sec. 25.** RCW 41.59.100 (Union security provisions—Scope—Agency shop provision, collection of dues or fees) and 1975 1st ex.s. c 288 s 11 are each repealed.

NEW SECTION. **Sec. 26.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title

Representative Hoff spoke in favor of the adoption of the striking amendment.

Representative Stonier spoke against the adoption of the striking amendment.

The striking amendment (352) was not adopted.

Representative Stokesbary moved the adoption of the striking amendment (355):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.52.045 and 2018 c 247 s 1 are each amended to read as follows:

(1)(((~~(a)~~))) A collective bargaining agreement may include ((~~union security provisions, but not a closed shop.~~

~~(b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization~~)) provisions permitting employers to deduct union dues or representation fees from employees who directly authorize the employer to make such deductions, provided that the employer only makes such deductions consistent with the requirements of this section.

(2) Authorization to deduct union dues or representation fees must be made directly by an employee to the employer, and must be on a form submitted to the employer that reads as follows:

AUTHORIZATION TO DEDUCT UNION DUES OR REPRESENTATION FEES

By providing the following information and permissions, your employer, (employer name), is authorized to deduct union dues or representation fees. This authorization is valid until revoked in writing at any time during the employer's regular business hours. If you choose to revoke this authorization, deductions will cease no later than the end of the month following the revocation.

I, (employee name), authorize my employer named above to deduct union dues or representation fees from my earnings to my bargaining representative, (name of employee bargaining representative organization), consistent with the terms of the collective bargaining agreement negotiated by this organization on my behalf.

In the event that this authorization, or revocation of authorization, conflicts with any contractual agreement that I have previously made with an employee representative organization, I understand that the conflict is a matter of private contract, and that it is in no way the responsibility of my employer to resolve or intervene in the conflict.

(3) At such time as an employee no longer desires association with the bargaining representative, any dues or representation fee authorization may be revoked. The employer must terminate any deductions for which authorization has been revoked in writing no later than the end of the month following the month in which the written revocation of authorization was received.

(4) Because it involves the protection of employees' fundamental right to freedom of association under the first amendment to the Constitution of the United States, the employer, through a collective bargaining agreement or otherwise, may not delegate the administration of the authorization process for union dues or representation fees to a private entity. To the extent that an employer uses a business agent, such as a payroll, billing service, or accounting firm, the mere administration of authorizations made by an employee to an employer are not prohibited. An employer is prohibited from expending public funds to resolve private contract disputes between employees and employee representative organizations on matters involving union dues or representation fees.

Sec. 2. RCW 41.56.110 and 2018 c 247 s 2 are each amended to read as follows:

(1) ((~~Upon the written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer shall deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into~~)) A collective bargaining agreement ((~~that:~~

~~(a) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee~~)) may include provisions permitting employers to deduct union dues or representation fees from employees who directly authorize the employer to make such deductions, provided that the employer only makes such deductions consistent with the requirements of this section.

(2) Authorization to deduct union dues or representation fees must be made directly by an employee to the employer, and must be on a form submitted to the employer that reads as follows:

AUTHORIZATION TO DEDUCT UNION DUES OR REPRESENTATION FEES

By providing the following information and permissions, your employer, (employer name), is authorized to deduct union dues or representation fees. This authorization is valid until revoked in writing at any time during the employer's regular business hours. If you choose to revoke this authorization, deductions will cease no later than the end of the month following the revocation.

I, (employee name), authorize my employer named above to deduct union dues or representation fees from my earnings to my bargaining representative, (name of employee bargaining representative organization), consistent with the terms of the collective bargaining agreement negotiated by this organization on my behalf.

In the event that this authorization, or revocation of authorization, conflicts with any contractual agreement that I have previously made with an employee representative organization, I understand that the conflict is a matter of private contract, and that it is in no way the responsibility of my employer to resolve or intervene in the conflict.

(3) At such time as an employee no longer desires association with the bargaining representative, any dues or representation fee authorization may be revoked. The employer must terminate any deductions for which authorization has been revoked in writing no later than the end of the month following the month in which the written revocation of authorization was received.

(4) Because it involves the protection of employees' fundamental right to freedom of association under the first amendment to the Constitution of the United States, the employer, through a collective bargaining agreement or otherwise, may not delegate the administration of the authorization process for union dues or representation fees to a private entity. To the extent that an employer uses a business agent, such as a payroll, billing service, or accounting firm, the mere administration of authorizations made by an employee to an employer are not prohibited. An employer is prohibited from expending public funds to resolve private contract disputes between employees and employee representative organizations on matters involving union dues or representation fees.

Sec. 3. RCW 41.59.060 and 2018 c 247 s 3 are each amended to read as follows:

(1) ((~~Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.~~

~~(2)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into~~)) A collective bargaining agreement ((~~that:~~

~~(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee~~)) may include provisions permitting employers to deduct union dues or representation fees from employees who directly authorize the employer to make such deductions, provided that the employer only makes such deductions consistent with the requirements of this section.

(2) Authorization to deduct union dues or representation fees must be made directly by an employee to the employer, and must be on a form submitted to the employer that reads as follows:

AUTHORIZATION TO DEDUCT UNION DUES OR REPRESENTATION FEES

By providing the following information and permissions, your employer, (employer name), is authorized to deduct union dues or representation fees. This authorization is valid until revoked in writing at any time during the employer's regular business hours. If you choose to revoke this authorization, deductions will cease no later than the end of the month following the revocation.

I, (employee name), authorize my employer named above to deduct union dues or representation fees from my earnings to my bargaining representative, (name of

employee bargaining representative organization), consistent with the terms of the collective bargaining agreement negotiated by this organization on my behalf.

In the event that this authorization, or revocation of authorization, conflicts with any contractual agreement that I have previously made with an employee representative organization, I understand that the conflict is a matter of private contract, and that it is in no way the responsibility of my employer to resolve or intervene in the conflict.

(3) At such time as an employee no longer desires association with the bargaining representative, any dues or representation fee authorization may be revoked. The employer must terminate any deductions for which authorization has been revoked in writing no later than the end of the month following the month in which the written revocation of authorization was received.

(4) Because it involves the protection of employees' fundamental right to freedom of association under the first amendment to the Constitution of the United States, the employer, through a collective bargaining agreement or otherwise, may not delegate the administration of the authorization process for union dues or representation fees to a private entity. To the extent that an employer uses a business agent, such as a payroll, billing service, or accounting firm, the mere administration of authorizations made by an employee to an employer are not prohibited. An employer is prohibited from expending public funds to resolve private contract disputes between employees and employee representative organizations on matters involving union dues or representation fees.

Sec. 4. RCW 41.76.045 and 2018 c 247 s 4 are each amended to read as follows:

(1)(((~~(a)~~))) A collective bargaining agreement may include ((~~union security provisions, but not a closed shop.~~

~~(b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination~~)) provisions permitting employers to deduct union dues or representation fees from employees who directly authorize the employer to make such deductions, provided that the employer only makes such deductions consistent with the requirements of this section.

(2) Authorization to deduct union dues or representation fees must be made directly by an employee to the employer, and must be on a form submitted to the employer that reads as follows:

AUTHORIZATION TO DEDUCT UNION DUES OR REPRESENTATION FEES

By providing the following information and permissions, your employer, (employer name), is authorized to deduct union dues or representation fees. This authorization is valid until revoked in writing at any time during the employer's regular business hours. If you choose to revoke this authorization, deductions will cease no later than the end of the month following the revocation.

I, (employee name), authorize my employer named above to deduct union dues or representation fees from my earnings to my bargaining representative, (name of employee bargaining representative organization), consistent with the terms of the collective bargaining agreement negotiated by this organization on my behalf.

In the event that this authorization, or revocation of authorization, conflicts with any contractual agreement that I have previously made with an employee representative organization, I understand that the conflict is a matter of private contract, and that it is in no way the responsibility of my employer to resolve or intervene in the conflict.

(3) At such time as an employee no longer desires association with the bargaining representative, any dues or representation fee authorization may be revoked. The employer must terminate any deductions for which authorization has been revoked in writing no later than the end of the month following the month in which the written revocation of authorization was received.

(4) Because it involves the protection of employees' fundamental right to freedom of association under the first amendment to the Constitution of the United States, the employer, through a collective bargaining agreement or otherwise, may not delegate the administration of the authorization process for union dues or representation fees

to a private entity. To the extent that an employer uses a business agent, such as a payroll, billing service, or accounting firm, the mere administration of authorizations made by an employee to an employer are not prohibited. An employer is prohibited from expending public funds to resolve private contract disputes between employees and employee representative organizations on matters involving union dues or representation fees.

Sec. 5. RCW 41.80.100 and 2018 c 247 s 5 are each amended to read as follows:

(1) A collective bargaining agreement may ((~~contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.~~

~~(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.~~

~~(3)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits~~)) include provisions permitting employers to deduct union dues or representation fees from employees who directly authorize the employer to make such deductions, provided that the employer only makes such deductions consistent with the requirements of this section.

(2) Authorization to deduct union dues or representation fees must be made directly by an employee to the employer, and must be on a form submitted to the employer that reads as follows:

AUTHORIZATION TO DEDUCT UNION DUES OR REPRESENTATION FEES

By providing the following information and permissions, your employer, (employer name), is authorized to deduct union dues or representation fees. This authorization is valid until revoked in writing at any time during the employer's regular business hours. If you choose to revoke this authorization, deductions will cease no later than the end of the month following the revocation.

I, (employee name), authorize my employer named above to deduct union dues or representation fees from my earnings to my bargaining representative, (name of employee bargaining representative organization), consistent with the terms of the collective bargaining agreement negotiated by this organization on my behalf.

In the event that this authorization, or revocation of authorization, conflicts with any contractual agreement that I have previously made with an employee representative organization, I understand that the conflict is a matter of private contract, and that it is in no way the responsibility of my employer to resolve or intervene in the conflict.

(3) At such time as an employee no longer desires association with the bargaining representative, any dues or representation fee authorization may be revoked. The employer must terminate any deductions for which authorization has been revoked in writing no later than the end of the month following the month in which the written revocation of authorization was received.

(4) Because it involves the protection of employees' fundamental right to freedom of association under the first amendment to the Constitution of the United States, the employer, through a collective bargaining agreement or otherwise, may not delegate the administration of the authorization process for union dues or representation fees to a private entity. To the extent that an employer uses a business agent, such as a payroll, billing service, or accounting firm, the mere administration of authorizations made by an employee to an employer are not prohibited. An employer is prohibited from expending public funds to

resolve private contract disputes between employees and employee representative organizations on matters involving union dues or representation fees.

Sec. 6. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include ((~~union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization~~)) provisions permitting employers to deduct union dues or representation fees from employees who directly authorize the employer to make such deductions, provided that the employer only makes such deductions consistent with the requirements of this section.

(2) Authorization to deduct union dues or representation fees must be made directly by an employee to the employer, and must be on a form submitted to the employer that reads as follows:

AUTHORIZATION TO DEDUCT UNION DUES OR REPRESENTATION FEES

By providing the following information and permissions, your employer, (employer name), is authorized to deduct union dues or representation fees. This authorization is valid until revoked in writing at any time during the employer's regular business hours. If you choose to revoke this authorization, deductions will cease no later than the end of the month following the revocation.

I, (employee name), authorize my employer named above to deduct union dues or representation fees from my earnings to my bargaining representative, (name of employee bargaining representative organization), consistent with the terms of the collective bargaining agreement negotiated by this organization on my behalf.

In the event that this authorization, or revocation of authorization, conflicts with any contractual agreement that I have previously made with an employee representative organization, I understand that the conflict is a matter of private contract, and that it is in no way the responsibility of my employer to resolve or intervene in the conflict.

(3) At such time as an employee no longer desires association with the bargaining representative, any dues or representation fee authorization may be revoked. The employer must terminate any deductions for which authorization has been revoked in writing no later than the end of the month following the month in which the written revocation of authorization was received.

(4) Because it involves the protection of employees' fundamental right to freedom of association under the first amendment to the Constitution of the United States, the employer, through a collective bargaining agreement or otherwise, may not delegate the administration of the authorization process for union dues or representation fees to a private entity. To the extent that an employer uses a business agent, such as a payroll, billing service, or accounting firm, the mere administration of authorizations made by an employee to an employer are not prohibited. An employer is prohibited from expending public funds to resolve private contract disputes between employees and employee representative organizations on matters involving union dues or representation fees.

Sec. 7. RCW 49.39.080 and 2018 c 247 s 6 are each amended to read as follows:

(1)((~~Upon the written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into~~)) A collective bargaining agreement ((~~that:~~

~~(a) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee~~)) may include provisions permitting employers to deduct union dues or representation fees from employees who directly authorize the employer to make such deductions, provided that the employer only makes such deductions consistent with the requirements of this section.

(2) Authorization to deduct union dues or representation fees must be made directly by an employee to the employer, and must be on a form submitted to the employer that reads as follows:

AUTHORIZATION TO DEDUCT UNION DUES OR REPRESENTATION FEES

By providing the following information and permissions, your employer, (employer name), is authorized to deduct union dues or representation fees. This authorization is valid until revoked in writing at any time during the employer's regular business hours. If you choose to revoke this authorization, deductions will cease no later than the end of the month following the revocation.

I, (employee name), authorize my employer named above to deduct union dues or representation fees from my earnings to my bargaining representative, (name of employee bargaining representative organization), consistent with the terms of the collective bargaining agreement negotiated by this organization on my behalf.

In the event that this authorization, or revocation of authorization, conflicts with any contractual agreement that I have previously made with an employee representative organization, I understand that the conflict is a matter of private contract, and that it is in no way the responsibility of my employer to resolve or intervene in the conflict.

(3) At such time as an employee no longer desires association with the bargaining representative, any dues or representation fee authorization may be revoked. The employer must terminate any deductions for which authorization has been revoked in writing no later than the end of the month following the month in which the written revocation of authorization was received.

(4) Because it involves the protection of employees' fundamental right to freedom of association under the first amendment to the Constitution of the United States, the employer, through a collective bargaining agreement or otherwise, may not delegate the administration of the authorization process for union dues or representation fees to a private entity. To the extent that an employer uses a business agent, such as a payroll, billing service, or accounting firm, the mere administration of authorizations made by an employee to an employer are not prohibited. An employer is prohibited from expending public funds to resolve private contract disputes between employees and employee representative organizations on matters involving union dues or representation fees."

Correct the title.

Representative Stokesbary spoke in favor of the adoption of the striking amendment.

Representative Sells spoke against the adoption of the striking amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of the striking amendment (355) and the amendment was not adopted by the following vote: Yeas: 41 Nays: 57 Absent: 0 Excused: 0

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

Voting nay: Representatives Appleton, Bergquist, Blake, Callan, Chapman, Chopp, Cody, Davis, Doglio, Dolan, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Jinkins, Kilduff, Kirby, Kloba, Leavitt, Lekanoff, Lovick, Macri, Mead, Morgan, Morris, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Ryu, Santos, Sells, Senn, Shewmake, Slatter, Springer, Stanford, Stonier, Sullivan, Tarleton, Thai, Tharinger, Valdez, Walen, and Wylie

The striking amendment (355) was not adopted.

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

Representatives Stonier, Sells and Ormsby spoke in favor of the passage of the bill.

Representatives Mosbrucker, Dufault, McCaslin, Schmick, Shea, Irwin, Jenkin, Kraft, Graham, Caldier, Chambers, Klippert, Barkis, Shea (again), MacEwen, Maycumber, Sutherland and Stokesbary spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1575.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1575, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

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

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

SUBSTITUTE HOUSE BILL NO. 1575, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2097, by Representatives Kretz, Chapman, Springer, Blake, Pettigrew, Dent, Schmick, Dye, Maycumber, Wilcox and Corry

Addressing statewide wolf recovery.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2097 was substituted for House Bill No. 2097 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2097 was read the second time.

Representative Kretz moved the adoption of the striking amendment (241):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) It is the legislature's intent to support full recovery of gray wolves in Washington state in accordance with the department of fish and wildlife's 2011 wolf recovery and management plan and state law. It is also the legislature's intent to support the livestock industry and rural lifestyles and ensure that state agencies and residents have the tools necessary to support coexistence with wolves.

(2) The wolf plan requires that the department of fish and wildlife conduct a review of the effectiveness of the plan's implementation every five years. The legislature finds that because the regional recovery goals have been exceeded in the eastern Washington recovery region, but not yet in other regions, it is timely for the department of fish and wildlife to conduct a periodic status review and recommend to the state fish and wildlife commission whether a change in status is warranted.

(3) Furthermore, the legislature recognizes that management of wolf-livestock conflict is key to both wolf recovery and public acceptance of wolves in rural areas and that as the wolf population grows, and even after it achieves recovery, stable and adequate funding for nonlethal wolf deterrence will be needed to support livestock producers and the livestock industry and minimize the need for lethal removal of wolves. As such, it is the intent of the legislature, regardless of the listing status of gray wolves, to continue to sufficiently fund nonlethal deterrents for minimizing depredation of livestock by wolves. Proactive deterrence and community collaboration, as set forth in RCW 16.76.020, are necessary to reduce conflict between wolves and livestock and will be important for maintaining the economic viability of the livestock industry, the state's wolf populations, and public acceptance of wolves in northeast Washington after wolves have recovered and have been delisted.

(4) Further, the legislature intends to expand funding and personnel resources in the department of fish and wildlife for similar nonlethal deterrent efforts to mitigate conflicts statewide, as wolves recover in the remainder of the state beyond northeast Washington.

NEW SECTION. **Sec. 2.** (1) The state department of fish and wildlife shall immediately review the listing status of the gray wolf, *Canis lupus*. The review must determine if Washington's wolf population is no longer in danger of failing, declining, or no longer vulnerable to limited numbers, disease, predation, habitat loss or change, or exploitation, and must examine the relationship between wolf population levels in the eastern Washington recovery region and their role in wolf colonization in the remaining recovery regions. The review required in this section must be based solely on the numerical biological status and preponderance of scientific data available. The department must complete the review by February 29, 2020.

(2) If the review required under subsection (1) of this section finds that the gray wolf is no longer in danger of failing, declining, or no longer vulnerable to limited numbers, disease, predation, habitat loss or change, or exploitation, the state fish and wildlife commission shall consider whether a change in listing status is warranted.

(3) The state fish and wildlife commission's consideration of the listing status of gray wolves as required by this section must be completed by August 31, 2020.

NEW SECTION. **Sec. 3.** A new section is added to chapter 77.12 RCW to read as follows:

(1) The department shall implement conflict mitigation guidelines that distinguish between wolf recovery regions, identified in the 2011 wolf conservation and management plan, that are at or above the regional recovery objective and wolf recovery regions that are below the regional recovery objective. In developing conflict management guidelines, the department shall consider the provisions of its 2011 wolf recovery and management plan. This section only applies when the commission has designated wolves as either an endangered or protected species under RCW 77.12.020.

(2) For the purposes of this section, "protected species" means species classified as either threatened or endangered by the commission.

NEW SECTION. **Sec. 4.** A new section is added to chapter 77.36 RCW to read as follows:

The department shall maintain sufficient staff resources in Ferry and Stevens counties for response to wolf-livestock conflict on an ongoing basis and for coordination with livestock producers on the continued implementation of proactive nonlethal deterrents.

Sec. 5. RCW 16.76.020 and 2017 c 257 s 3 are each amended to read as follows:

(1) The northeast Washington wolf-livestock management grant is created within the department. Funds

from the grant program must be used only for the deployment of nonlethal deterrence resources in any Washington county east of the crest of the Cascade mountain range that shares a border with Canada, including human presence, and locally owned and deliberately located equipment and tools.

(2)(a) A four-member advisory board is established to advise the department on the expenditure of the northeast Washington wolf-livestock management grant funds. Advisory board members must be knowledgeable about wolf depredation issues, and have a special interest in the use of nonlethal wolf management techniques. Board members are unpaid, are not state employees, and are not eligible for reimbursement for subsistence, lodging, or travel expenses incurred in the performance of their duties as board members. The director must appoint each member to the board for a term of two years. Board members may be reappointed for subsequent two-year terms. The following board members must be appointed by the director in consultation with each applicable conservation district and the legislators in the legislative district encompassing each county:

(i) One Ferry county conservation district board member or staff member;

(ii) One Stevens county conservation district board member or staff member;

(iii) One Pend Oreille conservation district board member or staff member; and

(iv) One Okanogan conservation district board member or staff member.

(b) If no board member or staff member qualifies under this section, the director must appoint a resident of the applicable county to serve on the board.

(c) Board members may not:

(i) Directly benefit, in whole or in part, from any contract entered into or grant awarded under this section; or

(ii) Directly accept any compensation, gratuity, or reward in connection with such a contract from any other person with a beneficial interest in the contract.

(3) The board must help direct funding for the deployment of nonlethal deterrence resources, including human presence, and locally owned and deliberately located equipment and tools. Funds may only be distributed to nonprofit community-based collaborative organizations that have advisory boards that include personnel from relevant agencies including, but not limited to, the United States forest service and the Washington department of fish and wildlife((~~, or to individuals that are willing to receive technical assistance from the same agencies~~)).

NEW SECTION. **Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representatives Kretz and Chapman spoke in favor of the adoption of the striking amendment.

The striking amendment (241) was adopted.

The bill was ordered engrossed.

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

Representatives Kretz and Chapman spoke in favor of the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2097.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2097, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Boehnke, Caldier, Callan, Chambers, Chandler, Chapman, Cody, Corry, Davis, DeBolt, Dent, Doglio, Dolan, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gildon, Goehner, Goodman, Graham, Gregerson, Griffey, Hansen, Harris, Hoff, Hudgins, Irwin, Jenkin, Jinkins, Kilduff, Kirby, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Lovick, MacEwen, Macri, Maycumber, McCaslin, Mead, Morgan, Morris, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Pellicciotti, Peterson, Pettigrew, Pollet, Ramos, Reeves, Riccelli, Robinson, Rude, Ryu, Santos, Schmick, Sells, Senn, Shea, Shewmake, Slatter, Smith, Springer, Stanford, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Tarleton, Thai, Tharinger, Valdez, Van Werven, Vick, Volz, Walen, Walsh, Wilcox, Wylie, Ybarra, Young and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2097, having received the necessary constitutional majority, was declared passed.

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

MOTION

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

HOUSE BILL NO. 1088
HOUSE BILL NO. 1110
HOUSE BILL NO. 1237
HOUSE BILL NO. 1282
HOUSE BILL NO. 1318
HOUSE BILL NO. 1325
HOUSE BILL NO. 1441
HOUSE BILL NO. 1521

HOUSE BILL NO. 1746
HOUSE BILL NO. 1772
HOUSE BILL NO. 1789
HOUSE BILL NO. 1796
HOUSE BILL NO. 2024
HOUSE BILL NO. 2047
HOUSE BILL NO. 2074
HOUSE BILL NO. 2075
HOUSE BILL NO. 2117

There being no objection, the House adjourned until 9:00 a.m., March 12, 2019, the 58th Day of the Regular Session.

FRANK CHOPP, Speaker

BERNARD DEAN, Chief Clerk