

THIRTY SIXTH DAY

House Chamber, Olympia, Monday, February 12, 2024

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Will Cummings and Iila Kennelly. The Speaker (Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Lekanoff, 40th Legislative District.

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

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

**MESSAGE FROM THE SENATE**

Friday, February 9, 2024

Mme. Speaker:

The Senate has passed:

SENATE BILL NO. 5160  
SECOND SUBSTITUTE SENATE BILL NO. 5444  
SUBSTITUTE SENATE BILL NO. 5722  
SENATE BILL NO. 5789  
SENATE BILL NO. 5799  
ENGROSSED SENATE BILL NO. 5816  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5853  
SUBSTITUTE SENATE BILL NO. 5857  
SENATE BILL NO. 5860  
SUBSTITUTE SENATE BILL NO. 5869  
SENATE BILL NO. 5904  
SECOND SUBSTITUTE SENATE BILL NO. 5943  
SENATE BILL NO. 5952  
ENGROSSED SENATE BILL NO. 6095  
SENATE BILL NO. 6173  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6251  
SUBSTITUTE SENATE BILL NO. 6277

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

**MESSAGE FROM THE SENATE**

Friday, February 9, 2024

Mme. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5891  
ENGROSSED SENATE BILL NO. 5997  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6038  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6109  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6175  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6194

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

**MESSAGE FROM THE SENATE**

Thursday, February 8, 2024

Mme. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6098

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

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

**INTRODUCTION & FIRST READING**

HB 2498 by Representatives Barkis, Hutchins, Chapman, Stokesbary, Corry, Caldier, Low, Robertson, Goehner, Dent, Schmidt, Klicker, Walsh, Griffey, Harris, Couture, Waters, Connors, Cheney, Volz, Wilcox, Chambers, McEntire, Ybarra, Maycumber and Steele

AN ACT Relating to declaring the ferry system to be in a state of emergency to authorize expedient actions; amending RCW 47.56.030, 47.60.010, 47.60.810, 47.60.315, and 47.60.826; adding a new section to chapter 47.60 RCW; creating a new section; repealing RCW 47.60.838; and declaring an emergency.

Referred to Committee on Transportation.

HB 2499 by Representative Dye

AN ACT Relating to preserving the productive potential of agricultural land; and adding a new chapter to Title 70A RCW.

Referred to Committee on Environment & Energy.

ESB 5241 by Senators Randall, Rolfes, Kuderer, Trudeau, Pedersen, Shewmake, Hunt, Saldaña, Kauffman, Valdez, Lovick, Robinson, Lovelett, Lias, Frame, Nguyen, Stanford and Wilson, C.

AN ACT Relating to material changes to the operations and governance structure of participants in the health care marketplace; amending RCW 19.390.010, 19.390.020, 19.390.030, 19.390.040, 19.390.050, 19.390.080, and 19.390.070; adding new sections to chapter 19.390 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Civil Rights & Judiciary.

2SSB 5780 by Senate Committee on Ways & Means (originally sponsored by Torres, Dhingra, Padden, Boehnke, Wilson, L., Braun, Frame, Hasegawa, Kuderer, Lovick, Mullet, Nguyen, Warnick and Wilson, J.)

AN ACT Relating to encouraging participation in public defense and prosecution professions; adding new sections to chapter 2.70 RCW; adding new sections to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Civil Rights & Judiciary.

E2SSB 5849 by Senate Committee on Ways & Means (originally sponsored by Wellman, Nobles, Boehnke, Frame, Hasegawa, Hunt, Kuderer, Nguyen, Shewmake, Trudeau and Wilson, C.)

AN ACT Relating to a computer science competency graduation requirement; amending RCW 28A.655.070; adding a new section to chapter 28A.230 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

SB 5938 by Senators Wilson, C., Lovelett, Frame, Hasegawa, Kuderer, Nguyen, Nobles and Wellman

AN ACT Relating to modifying the community parenting alternative for eligible participants in the residential parenting program at the department of corrections; and amending RCW 9.94A.6551.

Referred to Committee on HUMAN SERVICES, YOUTH, & EARLY LEARNING.

ESSB 5968 by Senate Committee on Business, Financial Services, Gaming & Trade (originally sponsored by Stanford, Dhingra, Frame, Hasegawa, Kuderer, Saldaña, Trudeau, Valdez and Wilson, C.)

AN ACT Relating to regulating home equity sharing agreements under the consumer loan act; and amending RCW 31.04.015, 31.04.027, 31.04.102, and 31.04.105.

Referred to Committee on Consumer Protection & Business.

SSB 6036 by Senate Committee on Ways & Means (originally sponsored by Muzzall, Braun, Liias, Nobles and Van De Wege)

AN ACT Relating to agriculture pest and disease response; amending RCW 17.24.171; adding new sections to chapter 43.23 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

2SSB 6228 by Senate Committee on Ways & Means (originally sponsored by Dhingra, Hasegawa, Kuderer, Lovelett, Nobles, Randall, Shewmake, Valdez and Wilson, C.)

AN ACT Relating to treatment of substance use disorders; amending RCW 41.05.526, 48.43.761, 71.24.618, 18.225.145, and 43.70.250; reenacting and amending RCW 18.205.095; adding new sections to chapter 71.24 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SENATE BILL NO. 5938 which was referred to the Committee on Community Safety, Justice and Reentry.

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

## SECOND READING

**HOUSE BILL NO. 1228, by Representatives Ortiz-Self, Ybarra, Thai, Simmons, Reeves, Reed, Orwall, Ormsby, Taylor, Leavitt, Kloba, Doglio, Berry, Fey, Davis, Ramel, Callan, Bergquist, Fosse, Pollet, Lekanoff, Slatter, Macri, Alvarado, Stonier, Gregerson and Santos**

**Building a multilingual, multiliterate Washington through dual and tribal language education.**

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1228 was substituted for House Bill No. 1228 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1228 was read the second time.

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

Representatives Ortiz-Self and Rude spoke in favor of the passage of the bill.

## MOTIONS

\*\*\*\*\*ERROR - JournalEntryId: 45694, StampTemplateId: 275, StampTemplateName: Voter Excused, Unable to fetch excusing Member\*\*\*\*\*

\*\*\*\*\*ERROR - JournalEntryId: 45625, StampTemplateId: 275, StampTemplateName: Voter Excused, Unable to fetch excusing Member\*\*\*\*\*

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1228.

## ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1228, and the bill passed the House by the following vote: Yeas, 90; Nays, 0; Absent, 0; Excused, 8

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Ryu, Sandlin, Schmick, Schmidt, Senn, Shavers, Slatter, Springer, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Mme. Speaker

Excused: Representatives Chandler, Entenman, Rule, Santos, Simmons, Stearns, Thai and Ybarra

THIRD SUBSTITUTE HOUSE BILL NO. 1228, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2239, by Representatives Timmons, Eslick, Callan, Ramel, Reeves, Reed, Doglio, Leavitt and Davis**

**Supporting student well-being through instruction in social-emotional skills.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2239 was substituted for House Bill No. 2239 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2239 was read the second time.

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

Representatives Timmons, Stonier and Eslick spoke in favor of the passage of the bill.

Representatives McEntire, error, Abbarno, Walsh and Hutchins spoke against the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2239.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2239, and the bill passed the House by the following vote: Yeas, 60; Nays, 35; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, error, Berg, Bergquist, Berry, Bronoske, Callan, error, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Mosbrucker, Nance, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, error, Connors, Corry, Couture, Dent, error, Graham, Griffey, error, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters and Wilcox

Excused: Representatives Chandler, Rule and Ybarra

SECOND SUBSTITUTE HOUSE BILL NO. 2239, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1916, by Representatives Senn, Couture, Leavitt, Taylor, Paul, Callan, Ramos, Cortes, Reed, Fey, Timmons, Street, Doglio, Simmons, Wylie, Reeves, Alvarado, Nance, Riccelli, Fosse, Pollet and Shavers**

**Concerning funding for the early support for infants and toddlers program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1916 was substituted for House Bill No. 1916 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1916 was read the second time.

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

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

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1916.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1916, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Mme. Speaker

Excused: Representatives Chandler, Rule and Ybarra

SUBSTITUTE HOUSE BILL NO. 1916, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2482, by Representatives Harris, Santos and Stonier**

**Reinstating semiconductor tax incentives.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2482 was substituted for House Bill No. 2482 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2482 was read the second time.

With the consent of the House, amendment (955) was withdrawn.

Representative Harris moved the adoption of amendment (954):

On page 2, line 8, after "~~dollars~~)" strike "\$1,000,000,000" and insert "\$500,000,000"

Representatives error and Wylie spoke in favor of the adoption of the amendment.

Amendment (954) was adopted.

Representative Harris moved the adoption of amendment (956):

On page 8, beginning on line 34, after "(4)" strike all material through "(5)" on page 9, line 1

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

On page 10, beginning on line 12, after "(4)" strike all material through "(5)" on line 18

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

Representatives error and Wylie spoke in favor of the adoption of the amendment.

Amendment (956) 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 error, Wylie and error spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2482.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2482, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie and Mme. Speaker

Excused: Representatives Chandler and Ybarra

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2482, having received the necessary constitutional majority, was declared passed.

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

### MESSAGE FROM THE SENATE

Monday, February 12, 2024

Mme. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5667  
 SENATE BILL NO. 5837  
 SUBSTITUTE SENATE BILL NO. 5934  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6039  
 SUBSTITUTE SENATE BILL NO. 6163  
 SUBSTITUTE SENATE BILL NO. 6269

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

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

### SECOND READING

**HOUSE BILL NO. 2247, by Representatives Bateman, Bronoske, Simmons, Duerr, Callan, Reed, Macri, Doglio, Leavitt and Davis**

#### Addressing behavioral health provider shortages.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2247 was substituted for House Bill No. 2247 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2247 was read the second time.

With the consent of the House, amendments (913) and (922) were withdrawn.

Representative Bateman moved the adoption of amendment (925):

On page 11, line 10, after "secretary" insert "in consultation with the committee"

On page 11, line 39, after "secretary" insert "in consultation with the committee"

On page 13, line 2, after "secretary" insert "in consultation with the committee"

On page 13, line 30, after "secretary" insert "in consultation with the committee"

On page 15, line 7, after "secretary" insert "in consultation with the committee"

On page 15, line 9, after "secretary" insert "in consultation with the committee"

On page 17, after line 19, insert the following:

**"NEW SECTION. Sec. 20.** (1) The secretary of health shall study and make recommendations on changing the disciplining authority for professions regulated under chapter 18.225 RCW from the secretary of health to separate boards or commissions for each profession.

(2) The secretary of health's findings and recommendations must, at a minimum, include the following:

(a) Whether the disciplining authority for each profession should be a board or a commission;

(b) The recommended membership of each board or commission, which must include:

(i) A majority of members who are members of the regulated professions; and

(ii) At least one public member;

(c) An estimate of the fiscal impact of changing the disciplining authority for the professions; and

(d) A transition plan for changing the disciplining authorities, including recommended statutory changes.

(3) When formulating the findings and recommendations, the secretary of health must consult with organizations representing the professions regulated under chapter 18.225 RCW.

(4) The secretary of health shall report the findings and recommendations to the appropriate committees of the legislature no later than July 1, 2025.

(5) This section expires August 1, 2025."

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

Representatives error and Schmick spoke in favor of the adoption of the amendment.

Amendment (925) 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 error and Schmick spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2247.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2247, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2247, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2357, by Representatives Fey, Barkis, Hutchins, Robertson, Leavitt, Schmidt, Shavers, Nance, Bronoske, Paul, Timmons and Caldier**

#### Establishing a state patrol longevity bonus.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2357 was substituted for House Bill No. 2357 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2357 was read the second time.

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

Representatives Fey, Barkis, Orcutt, error and error spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2357.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2357, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance,

Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 2357, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2330, by Representatives Reeves, Ryu, Timmons, Reed, Springer and Ramel**

#### Addressing wildfire protection and mitigation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2330 was substituted for House Bill No. 2330 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2330 was read the second time.

Representative Reeves moved the adoption of amendment (928):

On page 1, line 19, after "(e)" insert "One representative from local emergency management as nominated by the Washington state emergency management council; (f) "

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

On page 2, line 9, after "(2)" insert "Staff support for the work group must be provided by the office of the insurance commissioner." (3) "

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

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

Amendment (928) 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 Reeves spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2330.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2330, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman,

Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh

Excused: Representative Chandler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2330, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1876, by Representatives Springer, McEntire, Reeves and Thai**

**Concerning confidential fisheries information collected by other states and maintaining that confidentiality under the public records act.**

The bill was read the second time.

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

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

Representative Abbarno spoke against the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1876.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1876, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, Connors, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McEntire, Mena, Morgan, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, error, Corry, Dye, error, Jacobsen, McClintock, Mosbrucker, Schmidt, Walsh and Waters

Excused: Representative Chandler

HOUSE BILL NO. 1876, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2416, by Representatives Graham and Riccelli**

**Changing the legal title for advanced practice nurses.**

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 Graham and error spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2416.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2416, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

HOUSE BILL NO. 2416, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1987, by Representatives Low, Ramel, Ryu, Eslick, Timmons, Paul, Ramos, Reed, Chapman, Ormsby, Graham, Doglio, Sandlin, Lekanoff, Tharinger and Santos**

**Concerning the use of moneys from the rural public facilities sales and use tax for affordable workforce housing infrastructure and facilities.**

The bill was read the second time.

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

Representatives Low, Ramel, error, Wilcox and Orcutt spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1987.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1987, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

HOUSE BILL NO. 1987, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2071, by Representatives Duerr, Bateman, Fitzgibbon, Berry, Reed, Ormsby, Ramel, Pollet and Kloba**

**Concerning residential housing regulations.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2071 was substituted for House Bill No. 2071 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2071 was read the 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 Duerr spoke in favor of the passage of the bill.

Representative Klicker spoke against the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2071.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2071, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, error, Chopp, Connors, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hutchins, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Chambers, Cheney, error, Corry, Couture, Dent, Dye, Eslick, error, Graham, Griffey, error, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters and Ybarra

Excused: Representative Chandler

SECOND SUBSTITUTE HOUSE BILL NO. 2071, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2012, by Representatives Street, Alvarado, Ryu, Ramel, Bateman, Reed, Peterson, Doglio, Lekanoff, Santos, Chopp and Hackney****Concerning eligibility for a property tax exemption for nonprofits providing affordable rental housing built with city and county funds.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2012 was substituted for House Bill No. 2012 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2012 was read the 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 Street spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2012.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2012, and the bill passed the House by the following vote: Yeas, 69; Nays, 28; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Chopp, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Gregerson, Griffey, Hackney, Hutchins, Kloba, Leavitt, Lekanoff, Low, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Cheney, error, Connors, Corry, Dent, Dye, Graham, error, Jacobsen, Klicker, Kretz, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh, Waters and Ybarra

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 2012, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2039, by Representatives Fitzgibbon, Ramel, Reed, Ormsby, Fosse and Duerr****Modifying the appeals process for environmental and land use matters.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2039 was substituted for House Bill No. 2039 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2039 was read the second time.

Representative Fitzgibbon moved the adoption of the striking amendment (939):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 34.05.518 and 2021 c 305 s 2 are each amended to read as follows:

(1)(a) The final decision of an administrative agency in an adjudicative proceeding under this chapter may be directly reviewed by the court of appeals ~~((upon))~~ either: (i) Upon certification by the superior court pursuant to this ~~((section))~~ subsection and subsections (2) and (3) of this section; or (ii) if the final decision is from an environmental board as identified in RCW 43.21B.005 and the final decision relates to a clean energy project as defined in RCW 43.158.010, pursuant to subsection (4) of this section.

~~((Transfer of cases pursuant to this section does not require the filing of a motion for discretionary review with the court of appeals.))~~ (b) The superior court may certify cases for transfer to the court of appeals upon finding that:

~~((+a))~~ (i) All parties have consented to the transfer to the court of appeals and agreed that the judicial review can occur based upon the agency record developed

before the administrative body without supplementing the record pursuant to RCW 34.05.562; or

~~((b))~~(ii) One or more of the parties have not consented to the transfer, but the superior court finds that transfer would serve the interest of justice, would not cause substantial prejudice to any party, including any unrepresented party, and further finds that:

~~((i))~~(A) The judicial review can occur based upon the agency record developed before the administrative body without supplementing the record pursuant to RCW 34.05.562; or

~~((ii))~~(B) The superior court has completed any necessary supplementation of the record pursuant to RCW 34.05.562, such that only issues of law remain for determination.

(2) If the superior court certifies a final decision of an administrative agency in an adjudicative proceeding, the superior court shall transfer the matter to the court of appeals as a direct appeal.

(3) A party contesting a superior court decision granting or denying certification for direct review may file a motion for discretionary review with the court of appeals.

(4)(a) For the appeal of a permit related to a clean energy project, as defined in RCW 43.158.010, that is the subject of a final adjudicative decision of an environmental board, as identified in RCW 43.21B.005, upon a motion filed by any party to the appeal, the superior court shall certify a case for transfer to the court of appeals upon a finding that:

(i) The judicial review can occur based upon the agency record developed before the administrative body without supplementing the record pursuant to RCW 34.05.562; or

(ii) The superior court has completed any necessary supplementation of the record pursuant to RCW 34.05.562.

(b) If the superior court certifies a final decision of an administrative agency in an adjudicative proceeding, the superior court shall transfer the matter to the court of appeals as a direct appeal.

(c) A party contesting a superior court decision granting or denying certification for direct review may file a motion for discretionary review with the court of appeals. Where a contesting party demonstrates that substantial prejudice would result from direct review by the court of appeals, the court of appeals may remand to the superior court.

(5) Transfer of cases pursuant to this section does not require the filing of a motion for discretionary review with the court of appeals.

**Sec. 2.** RCW 34.05.518 and 2021 c 305 s 5 are each amended to read as follows:

(1) The final decision of an administrative agency in an adjudicative proceeding under this chapter may be directly reviewed by the court of appeals either (a) upon certification by the superior court pursuant to subsection (2) of this section ~~((e))~~; (b) if the final decision is from an environmental board as

~~((defined in)) identified in RCW 43.21B.005 and the final decision relates to a clean energy project as defined in RCW 43.158.010, pursuant to subsection (3) of this section (, upon acceptance by the court of appeals after a certificate of appealability has been filed by the environmental board that rendered the final decision)); or (c) if the final decision is from an environmental board identified in RCW 43.21B.005 and the final decision does not relate to a clean energy project as defined in RCW 43.158.010, pursuant to subsection (4) of this section. Transfer of a case pursuant to subsections (3) or (4) of this section does not require the filing of a motion for discretionary review with the court of appeals.~~

(2)(a) For direct review upon certification by the superior court, an application for direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

~~((a))~~(i) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;

~~((b))~~(ii) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

~~((e))~~(iii) An appeal to the court of appeals would be likely regardless of the determination in superior court; and

~~((d))~~(iv) The appellate court's determination in the proceeding would have significant precedential value.

(b) Procedures for certification shall be established by court rule.

~~(3)(a) For the (purposes of direct review of final decisions of environmental boards, environmental boards include those boards identified in RCW 43.21B.005 and the growth management hearings board as identified in RCW 36.70A.250.~~

~~(b) An environmental board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest and either:~~

~~(i) Fundamental and urgent statewide or regional issues are raised; or~~

~~(ii) The proceeding is likely to have significant precedential value.~~

~~(4) The environmental board shall state in the certificate of appealability which criteria it applied, explain how that criteria was met, and file with the certificate a copy of the final decision.~~

~~(5) For an appellate court to accept direct review of a final decision of an environmental board, it shall consider the same criteria outlined in subsection (3) of this section.~~

~~(6) The procedures for direct review of final decisions of environmental boards include:~~

~~(a) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct~~



~~review with the superior court and serve the appropriate environmental board and all parties of record. The application shall request the environmental board to file a certificate of appealability.~~

~~(b) If an issue on review is the jurisdiction of the environmental board, the board may file an application for direct review on that issue.~~

~~(c) The environmental board shall have thirty days to grant or deny the request for a certificate of appealability and its decision shall be filed with the superior court and served on all parties of record.~~

~~(d) If a certificate of appealability is issued, the parties shall have fifteen days from the date of service to file a notice of discretionary review in the superior court, and the notice shall include a copy of the certificate of appealability and a copy of the final decision.~~

~~(e) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.~~

~~(f) If a certificate of appealability is denied, review shall be by the superior court. The superior court's decision may be appealed to the court of appeals.) appeal of a permit related to a clean energy project, as defined in RCW 43.158.010, that is the subject of a final adjudicative decision of an environmental board, as identified in RCW 43.21B.005, upon a motion filed by any party to the appeal, the superior court shall certify a case for transfer to the court of appeals upon a finding that:~~

~~(i) The judicial review can occur based upon the agency record developed before the administrative body without supplementing the record pursuant to RCW 34.05.562; or~~

~~(ii) The superior court has completed any necessary supplementation of the record pursuant to RCW 34.05.562.~~

~~(b) If the superior court certifies a final decision of an administrative agency in an adjudicative proceeding, the superior court shall transfer the matter to the court of appeals as a direct appeal.~~

~~(c) A party contesting a superior court decision granting or denying certification for direct review may file a motion for discretionary review with the court of appeals. Where a contesting party demonstrates that substantial prejudice would result from direct review by the court of appeals, the court of appeals may remand to superior court.~~

~~(4)(a) The final adjudicative decision of an environmental board, as identified in RCW 43.21B.005, that does not relate to a clean energy project as defined in RCW 43.158.010, may be directly reviewed by the court of appeals upon certification by the superior court pursuant to this subsection. The superior court shall certify cases for transfer to the court of appeals upon finding that:~~

~~(i) All parties have consented to the transfer to the court of appeals and agreed that the judicial review can occur based upon the agency record developed before the administrative body without supplementing the record pursuant to RCW 34.05.562; or~~

~~(ii) One or more of the parties have not consented to the transfer, but the superior~~

court finds that transfer would serve the interest of justice, would not cause substantial prejudice to any party, including any unrepresented party, and further finds that:

(A) The judicial review can occur based upon the agency record developed before the administrative body without supplementing the record pursuant to RCW 34.05.562; or

(B) The superior court has completed any necessary supplementation of the record pursuant to RCW 34.05.562, such that only issues of law remain for determination.

(b) If the superior court certifies a final decision of an administrative agency in an adjudicative proceeding, the superior court shall transfer the matter to the court of appeals as a direct appeal.

(c) A party contesting a superior court decision granting or denying certification for direct review may file a motion for discretionary review with the court of appeals. Where a contesting party demonstrates that substantial prejudice would result from direct review by the court of appeals, the court of appeals may remand to the superior court.

NEW SECTION. Sec. 3. A new section is added to chapter 43.21B RCW to read as follows:

(1) Where multiple permits for the same underlying clean energy project, as defined in RCW 43.158.010, are appealed to one or more of the environmental boards, as identified in RCW 43.21B.005, the presiding officer shall consolidate the appeals for hearing when one or more of the following criteria are met:

(a) When appeals for the permits related to the same underlying project are either:

(i) Filed within 60 days of each other; or

(ii) If the permits are not filed within 60 days of each other and the environmental board issues a stay of the appeal of the permit pursuant to RCW 43.21B.320 following the applicant's request. Such a stay must include a stay of the construction of the project pending appeal, to allow other anticipated appeals of permits for the same underlying project to be filed with the environmental boards to accommodate consolidation pursuant to this section, but the environmental board may set a deadline after which an appeal may proceed in the absence of other permit appeals in order to ensure efficient resolution of appeals; or

(b) The presiding officer determines that the following three criteria have been met:

(i) Consolidation will expedite disposition of the appeals;

(ii) Consolidation will avoid duplication of testimony; and

(iii) Consolidation will not prejudice the rights of the parties.

(2) When all appeals of individual permits consolidated pursuant to this section are within the jurisdiction of the pollution control hearings board, the pollution control hearings board shall retain jurisdiction over the consolidated matter. When all appeals of individual permits consolidated pursuant to this section are within the jurisdiction of the

shorelines hearings board, the shorelines hearings board shall retain jurisdiction over the consolidated matter. When appeals to the pollution control hearings board and appeals to the shorelines hearings board are consolidated pursuant to this section, the following applies:

(a) The consolidated appeals must be heard by the pollution control hearings board;

(b) The pollution control hearings board must issue its decision on the consolidated appeal within 240 days, which must be measured from the date that the last of the consolidated appeals was filed; and

(c) The time period in (b) of this subsection may be extended on motion from a party or by the pollution control hearings board upon a showing that the consolidated appeal raises issues of unique complexity and that delay is not against the public interest. In no case may the time period in (b) of this subsection be extended for a period greater than 30 days unless the time period is waived by all parties.

**Sec. 4.** RCW 90.58.180 and 2011 c 277 s 4 are each amended to read as follows:

(1)(a) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a petition for review within ~~((twenty-one))~~ 21 days of the date of filing of the decision as defined in RCW 90.58.140(6).

(b) Within seven days of the filing of any petition for review with the board as provided in this section pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the department, the office of the attorney general, and the local government. The department and the attorney general may intervene to protect the public interest and ensure that the provisions of this chapter are complied with at any time within ~~((fifteen))~~ 15 days from the date of the receipt by the department or the attorney general of a copy of the petition for review filed pursuant to this section. The shorelines hearings board shall schedule review proceedings on the petition for review without regard as to whether the period for the department or the attorney general to intervene has or has not expired.

(2) The department or the attorney general may obtain review of any final decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written petition with the shorelines hearings board and the appropriate local government within ~~((twenty-one))~~ 21 days from the date the final decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of

this section within ~~((one hundred eighty))~~ 180 days after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be extended by the board for a period of ~~((thirty))~~ 30 days upon a showing of good cause or may be waived by the parties.

(4) Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within ~~((thirty))~~ 30 days of the date of the adoption or approval. The board shall make a final decision within ~~((sixty))~~ 60 days following the hearing held thereon.

(5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

(a) Is clearly erroneous in light of the policy of this chapter; or

(b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(c) Is arbitrary and capricious; or

(d) Was developed without fully considering and evaluating all material submitted to the department during public review and comment; or

(e) Was not adopted in accordance with required procedures.

(6) If the board makes a determination under subsection (5)(a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision.

(7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within ~~((thirty))~~ 30 days after the date of final decision by the shorelines hearings board.

(8) Where multiple permits for the same underlying clean energy project, as defined in RCW 43.158.010, have been appealed to one or more of the environmental boards, as identified in RCW 43.21B.005, the presiding officer shall consolidate the appeals, including appeals to the shorelines hearings board, pursuant to section 3 of this act.

**Sec. 5.** RCW 43.21B.110 and 2023 c 455 s 5, 2023 c 434 s 20, 2023 c 344 s 5, and 2023 c 135 s 6 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to

chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to chapter 70A.230 RCW and RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.205.280, 70A.355.070, 70A.430.070, 70A.500.260, 70A.505.100, 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140, 70A.65.200, 70A.455.090, 70A.550.030, 70A.555.110, 70A.560.020, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530, 70A.15.6010, 70A.205.280, 70A.214.140, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 70A.555.110, 70A.560.020, 86.16.020, 88.46.070, 90.03.665, 90.14.130, 90.46.250, 90.48.120, (and) 90.48.240, 90.56.330, and 90.64.040.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, ((or)) a decision to approve or deny a solid waste management plan under RCW 70A.205.055, approval or denial of an application for a ((solid waste permit exemption)) beneficial use determination under RCW 70A.205.260, an application for a change under RCW 90.03.383, or a permit to distribute reclaimed water under RCW 90.46.220.

(d) Decisions of local health departments regarding the ((grant)) granting or denial of solid waste permits pursuant to chapter 70A.205 RCW, including appeals by the department as provided in RCW 70A.205.130.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820 ((, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145)).

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026 as provided in RCW 90.64.028.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW, except where appeals to the pollution control hearings board and appeals to the shorelines hearings board have been consolidated pursuant to section 3 of this act.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 6.** RCW 43.21B.300 and 2023 c 455 s 6, 2023 c 434 s 21, and 2023 c 135 s 7 are each reenacted and amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.230.080, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140, 70A.65.200, 70A.430.070, 70A.455.090, 70A.500.260, 70A.505.110, 70A.555.110, 70A.560.020, 86.16.081, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt

requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within 30 days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority 30 days after the date of receipt by the person penalized of the notice imposing the penalty or 30 days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) 30 days after receipt of the notice imposing the penalty;

(b) 30 days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) 30 days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within 30 days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except ~~((those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW 70A.300.090, 70A.555.110, and 70A.560.020, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be~~

~~credited to the climate investment account created in RCW 70A.65.250, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090)) the following:~~

~~(a) Penalties imposed pursuant to RCW 18.104.155 must be credited to the reclamation account as provided in RCW 18.104.155(7);~~

~~(b) Penalties imposed pursuant to RCW 70A.15.3160 must be disposed of pursuant to RCW 70A.15.3160;~~

~~(c) Penalties imposed pursuant to RCW 70A.230.080, 70A.300.090, 70A.430.070, 70A.555.110, and 70A.560.020 must be credited to the model toxics control operating account created in RCW 70A.305.180;~~

~~(d) Penalties imposed pursuant to RCW 70A.245.040 and 70A.245.050 must be credited to the recycling enhancement account created in RCW 70A.245.100;~~

~~(e) Penalties imposed pursuant to RCW 70A.500.260 must be deposited into the electronic products recycling account created in RCW 70A.500.130;~~

~~(f) Penalties imposed pursuant to RCW 70A.65.200 must be credited to the climate investment account created in RCW 70A.65.250;~~

~~(g) Penalties imposed pursuant to RCW 90.56.330 must be credited to the coastal protection fund established in RCW 90.48.390; and~~

~~(h) Penalties imposed pursuant to RCW 70A.355.070 must be credited to the underground storage tank account created in RCW 70A.355.090.~~

**Sec. 7.** RCW 70A.230.080 and 2020 c 20 s 1245 are each amended to read as follows:

A violation of this chapter is punishable by a civil penalty not to exceed ~~((one thousand dollars))~~ \$1,000 for each violation in the case of a first violation. Repeat violators are liable for a civil penalty not to exceed ~~((five thousand dollars))~~ \$5,000 for each repeat violation. Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180. The penalties provided in this section must be imposed pursuant to RCW 43.21B.300 and may be appealed to the pollution control hearings board.

**Sec. 8.** RCW 70A.300.120 and 2012 c 117 s 417 are each amended to read as follows:

(1) Whenever on the basis on any information the department determines that a person has violated or is about to violate any provision of this chapter, the department may issue an order requiring compliance either immediately or within a specified period of time. The order shall be delivered by registered mail or personally to the person against whom the order is directed.

(2) Any person who fails to take corrective action as specified in a compliance order shall be liable for a civil penalty of not more than ~~((ten thousand dollars))~~ \$10,000 for each day of continued

noncompliance. In addition, the department may suspend or revoke any permits and/or certificates issued under the provisions of this chapter to a person who fails to comply with an order directed against him or her.

(3) Any order or penalty may be appealed pursuant to RCW (~~(43.21B.310)~~) 43.21B.300.

**Sec. 9.** RCW 70A.430.070 and 2020 c 20 s 1409 are each amended to read as follows:

(1) A manufacturer of products that are restricted under this chapter must notify persons that sell the manufacturer's products in this state about the provisions of this chapter no less than (~~(ninety)~~) 90 days prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this chapter must recall the product and reimburse the retailer or any other purchaser for the product.

(3) A manufacturer of products in violation of this chapter is subject to a civil penalty not to exceed (~~(five thousand dollars)~~) \$5,000 for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed (~~(ten thousand dollars)~~) \$10,000 for each repeat offense. Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180. The penalties provided in this section must be imposed pursuant to RCW 43.21B.300 and may be appealed to the pollution control hearings board.

(4) Retailers who unknowingly sell products that are restricted from sale under this chapter are not liable under this chapter.

(5) The sale or purchase of any previously owned products containing a chemical restricted under this chapter made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization, is exempt from this chapter.

**Sec. 10.** RCW 86.16.081 and 1995 c 403 s 634 are each amended to read as follows:

(1) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, the attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.

(2) Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed (~~(one thousand dollars)~~) \$1,000 for each violation. Each violation or each day of noncompliance shall constitute a separate violation.

(3) The penalty provided for in this section (~~(shall)~~) must be imposed by a notice in writing (~~(, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering)~~) and must be imposed consistent with the procedures of RCW 43.21B.300. The notice in writing must also order the act or acts constituting the

violation or violations to cease and desist or, in appropriate cases, (~~(requiring)~~) must require necessary corrective action to be taken within a specific and reasonable time.

(4) Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board under chapter 43.21B RCW. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the pollution control hearings board under chapter 43.21B RCW.

NEW SECTION. **Sec. 11.** Section 1 of this act expires July 1, 2026.

NEW SECTION. **Sec. 12.** Section 2 of this act takes effect July 1, 2026.

NEW SECTION. **Sec. 13.** RCW 70A.205.145 (Exemption from solid waste permit requirements—Waste-derived soil amendments—Application—Revocation of exemption—Appeal) and 2020 c 20 s 1175, 2016 c 119 s 7, & 1998 c 36 s 18 are each repealed."

Correct the title.

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

Representative Dye spoke against the adoption of the striking amendment.

The striking amendment (939) 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 Fitzgibbon spoke in favor of the passage of the bill.

Representative Dye spoke against the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2039.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2039, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, error, Berg, Bergquist, Berry, Bronoske, Caldier, Pollan, error, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Gregerson, Hackney, Hutchins, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Chambers, Cheney, error, Connors, Corry, Couture, Dent, Dye, Eslick, Graham, Griffey, error, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Rude,

Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Chandler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2039, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2246, by Representatives Bateman, Low, Gregerson, Bronoske, Robertson, Reeves, Paul, Reed and Doglio**

**Concerning vacation leave accrual for state employees.**

The bill was read the second time.

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

Representatives error and Low spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2246.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2246, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

HOUSE BILL NO. 2246, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1942, by Representatives Fosse, Schmidt, Reed, Simmons, Ormsby, Rule, Macri and Ortiz-Self**

**Clarifying employment standards for long-term care individual providers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1942 was substituted for House Bill No. 1942 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1942 was read the second time.

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

Representatives Fosse and Schmidt spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1942.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1942, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 1942, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2003, by Representatives Connors, Leavitt, Klicker, Couture, Schmidt, Chapman, Graham, Peterson, Sandlin, Reeves and Shavers**

**Concerning an exemption to the leasehold excise tax for leases on public lands.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2003 was substituted for House Bill No. 2003 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2003 was read the second time.

Representative Connors moved the adoption of amendment (883):

On page 1, line 17, after "(3)" insert "Affordable housing for low-income households must be prioritized by the department of natural resources and the lessee when receiving the exemption under this section.

(4) "

Representatives Connors and Berg spoke in favor of the adoption of the amendment.

Amendment (883) was adopted.

The bill was ordered engrossed.

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

Representatives Connors and Berg spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2003.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2003, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes,

Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives McEntire and Walsh  
Excused: Representative Chandler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2003, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1970, by Representatives McClintock, Couture, Waters, Graham, Cheney, Sandlin, Harris and Caldier**

**Improving communication between the department of children, youth, and families and caregivers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1970 was substituted for House Bill No. 1970 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1970 was read the second time.

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

Representatives McClintock, Cortes and Dent spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1970.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1970, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 1970, having received the necessary constitutional majority, was declared passed.

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

#### SECOND READING

**HOUSE BILL NO. 2118, by Representatives Walen, Berry, Senn, Reed, Ormsby, Ramel, Peterson, Macri, Farivar, Doglio, Wylie, Reeves, Hackney, Pollet, Kloba and Davis**

**Protecting the public from gun violence by establishing additional requirements for the business operations of licensed firearms dealers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2118 was substituted for House Bill No. 2118 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2118 was read the second time.

With the consent of the House, amendment (813) was withdrawn.

Representative Walen moved the adoption of the striking amendment (837):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.41.110 and 2023 c 161 s 8 are each amended to read as follows:

(1) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in this section.

(2) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any firearm other than a pistol without being licensed as provided in this section.

(3) No dealer may sell or otherwise transfer, or expose for sale or transfer, or have in his or her possession with intent to sell, or otherwise transfer, any ammunition without being licensed as provided in this section.

(4) The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licensing effective for not more than one year from the date of issue permitting the licensee to sell firearms within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this chapter. A licensing authority shall forward a copy of each license granted to the department of licensing. The department of licensing shall notify the department of revenue of the name and address of each dealer licensed under this section. Any law enforcement agency acting within the scope of its jurisdiction may investigate a breach of the licensing conditions established in this chapter.

(5) (a) A licensing authority shall, within ~~((thirty))~~ 30 days after the filing of an application of any person for a dealer's license, determine whether to grant the license. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card, or has not been a resident of the state for the previous consecutive ~~((ninety))~~ 90 days, the licensing authority shall have up to ~~((sixty))~~ 60 days to determine whether to issue a license. No

person shall qualify for a license under this section without first receiving a federal firearms license and undergoing fingerprinting and a background check. In addition, no person ineligible to possess a firearm under RCW 9.41.040 or ineligible for a concealed pistol license under RCW 9.41.070 shall qualify for a dealer's license.

(b) A dealer shall require every employee who may sell a firearm in the course of his or her employment to undergo fingerprinting and a background check in advance of engaging in the sale or transfer of firearms and to undergo a background check annually thereafter. An employee must be at least 21 years of age, eligible to possess a firearm, and must not have been convicted of a crime that would make the person ineligible for a concealed pistol license, before being permitted to sell a firearm. Every employee shall comply with requirements concerning purchase applications and restrictions on delivery of firearms that are applicable to dealers.

(6) As a condition of licensure, a dealer shall annually certify to the licensing authority, in writing and under penalty of perjury, that the dealer is in compliance with each licensure requirement established in this section.

(7)(a) Except as otherwise provided in (b) of this subsection, the business shall be carried on only in the building designated in the license. For the purpose of this section, advertising firearms for sale shall not be considered the carrying on of business.

(b) A dealer may conduct business temporarily at a location other than the building designated in the license, if the temporary location is within Washington state and is the location of a gun show sponsored by a national, state, or local organization, or an affiliate of any such organization, devoted to the collection, competitive use, or other sporting use of firearms in the community. Nothing in this subsection ~~((6))~~ (7)(b) authorizes a dealer to conduct business in or from a motorized or towed vehicle.

In conducting business temporarily at a location other than the building designated in the license, the dealer shall comply with all other requirements imposed on dealers by RCW 9.41.090, 9.41.100, and this section. The license of a dealer who fails to comply with the requirements of RCW 9.41.080 and 9.41.090 and subsection ~~((6))~~ (16) of this section while conducting business at a temporary location shall be revoked, and the dealer shall be permanently ineligible for a dealer's license.

~~((7))~~ (8) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises in the area where firearms are sold, or at the temporary location, where it can easily be read.

~~((8))~~ (9)(a) The business building location designated in the license shall be secured:

(i) With at least one of the following features designed to prevent unauthorized entry, which must be installed on each exterior door and window of the place of business:

(A) Bars or grates;

(B) Security screens; or

(C) Commercial grade metal doors; and

(ii) With a security alarm system that is:

(A) Properly installed and maintained in good condition;

(B) Monitored by a remote central station that can contact law enforcement in the event of an alarm;

(C) Capable of real-time monitoring of all exterior doors and windows, and all areas where firearms are stored; and

(D) Equipped with, at minimum, detectors that can perceive entry, motion, and sound.

(b) It is not a violation of this subsection if any security feature or system becomes temporarily inoperable through no fault of the dealer.

(10)(a) Dealers shall secure each firearm during business hours, except when the firearm is being shown to a customer, repaired, or otherwise worked on, in a manner that prevents a customer or other member of the public from accessing or using the firearm, which may include keeping the firearm in a locked container or in a locked display case.

(b) Other than during business hours, all firearms shall be secured (i) on the dealer's business premises in a locked fireproof safe or vault, (ii) in a room or building that meets all requirements of subsection (9)(a) of this section, or (iii) in a secured and locked area under the dealer's control while the dealer is conducting business at a temporary location.

(11)(a) A dealer shall ensure that its business location designated in the license is monitored by a digital video surveillance system that meets all of the following requirements:

(i) The system shall clearly record images and, for systems located inside the premises, audio, of the area under surveillance;

(ii) Each camera shall be permanently mounted in a fixed location. Cameras shall be placed in locations that allow the camera to clearly record activity occurring in all areas described in (a)(iii) of this subsection and reasonably produce recordings that allow for the clear identification of any person;

(iii) The areas recorded shall include, but are not limited to, all of the following:

(A) Interior views of all exterior doors, windows, and any other entries or exits to the premises;

(B) All areas where firearms are displayed; and

(C) All points of sale, sufficient to identify the parties involved in the transaction;

(iv) The system shall be capable of recording 24 hours per day at a frame rate no less than 15 frames per second, and must either (A) record continuously or (B) be activated by motion and remain active for at least 15 seconds after motion ceases to be detected;

(v) The media or device on which recordings are stored shall be secured in a manner to protect the recording from



tampering, unauthorized access or use, or theft;

(vi) Recordings shall be maintained for a minimum of two years;

(vii) Recorded images shall clearly and accurately display the date and time;

(viii) The system shall be equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the system or storage device.

(b) A licensed dealer shall not use, share, allow access to, or otherwise release surveillance recordings, to any person except as follows:

(i) A dealer shall allow access to the system or release recordings to any person pursuant to search warrant or other court order.

(ii) A dealer may allow access to the system or release recordings to any person in response to an insurance claim or as part of the civil discovery process including, but not limited to, in response to subpoenas, request for production or inspection, or other court order.

(c) The dealer shall post a sign in a conspicuous place at each entrance to the premises that states in block letters not less than one inch in height: "THESE PREMISES ARE UNDER VIDEO AND AUDIO SURVEILLANCE. YOUR IMAGE AND CONVERSATIONS MAY BE RECORDED."

(d) This section does not preclude any local authority or local governing body from adopting or enforcing local laws or policies regarding video surveillance that do not contradict or conflict with the requirements of this section.

(e) It is not a violation of this subsection if the surveillance system becomes temporarily inoperable through no fault of the dealer.

(12) A dealer shall:

(a) Promptly review and respond to all requests from law enforcement agencies and officers, including trace requests and requests for documents and records, as soon as practicably possible and no later than 24 hours after learning of the request;

(b) Promptly notify local law enforcement agencies and the bureau of alcohol, tobacco, firearms and explosives of any loss, theft, or unlawful transfer of any firearm or ammunition as soon as practicably possible and no later than 24 hours after the dealer knows or should know of the reportable event.

(13) A dealer shall:

(a) Establish and maintain a book, or if the dealer should choose, an electronic-based record of purchase, sale, inventory, and other records at the dealer's place of business and shall make all such records available to law enforcement upon request. Such records shall at a minimum include the make, model, caliber or gauge, manufacturer's name, and serial number of all firearms that are acquired or disposed of not later than one business day after their acquisition or disposition;

(b) Maintain monthly backups of the records required by (a) of this subsection in a secure container designed to prevent loss by fire, theft, or flood. If the dealer chooses to maintain an electronic-based

record system, those records shall be backed up on an external server or over the internet at the close of each business day;

(c) Account for all firearms acquired but not yet disposed of through an inventory check prepared each month and maintained in a secure location;

(d) Maintain and make available at any time to government law enforcement agencies and to the manufacturer of the weapon or its designee, firearm disposition information, including the serial numbers of firearms sold, dates of sale, and identity of purchasers;

(e) Retain all bureau of alcohol, tobacco, firearms and explosives form 4473 transaction records on the dealer's business premises in a secure container designed to prevent loss by fire, theft, or flood;

(f) Maintain for six years copies of trace requests received, including notations for trace requests received by phone for six years;

(g) Provide annual reporting to the Washington state attorney general concerning trace requests, including at a minimum the following:

(i) The total number of trace requests received;

(ii) For each trace, the make and model of the gun and date of sale; and

(iii) Whether the dealer was inspected by the bureau of alcohol, tobacco, firearms and explosives, and copies of any reports of violations or letters received from the bureau of alcohol, tobacco, firearms and explosives.

(14) The attorney general may create, publish, and require firearm dealers to file a uniform form for all annual dealer reports required by subsection (13)(g) of this section.

(15) A dealer shall carry a general liability insurance policy providing at least \$1,000,000 of coverage per incident.

(16)(a) No firearm may be sold: (i) In violation of any provisions of this chapter; nor (ii) under any circumstances unless the purchaser is personally known to the dealer or shall present clear evidence of his or her identity.

(b) A dealer who sells or delivers any firearm in violation of RCW 9.41.080 is guilty of a class C felony. In addition to any other penalty provided for by law, the dealer is subject to mandatory permanent revocation of his or her dealer's license and permanent ineligibility for a dealer's license.

(c) The license fee for pistols shall be one hundred twenty-five dollars. The license fee for firearms other than pistols shall be one hundred twenty-five dollars. The license fee for ammunition shall be one hundred twenty-five dollars. Any dealer who obtains any license under subsection (1), (2), or (3) of this section may also obtain the remaining licenses without payment of any fee. The fees received under this section shall be deposited in the state general fund.

((49)) (17)(a) A true record shall be made of every pistol or semiautomatic assault rifle sold, in a book kept for the purpose, the form of which may be prescribed by the director of licensing and shall be

personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, and a statement signed by the purchaser that he or she is not ineligible under state or federal law to possess a firearm. The dealer shall retain the transfer record for six years.

(b) The dealer shall transmit the information from the firearm transfer application through secure automated firearms e-check (SAFE) to the Washington state patrol firearms background check program. The Washington state patrol firearms background check program shall transmit the application information for pistol and semiautomatic assault rifle transfer applications to the director of licensing daily. The original application shall be retained by the dealer for six years.

~~((10))~~ (18) Subsections (2) through ~~((9))~~ (17) of this section shall not apply to sales at wholesale.

~~((11))~~ (19) Subsections (6) and (9) through (15) of this section shall not apply to dealers with a sales volume of \$1,000 or less per month on average over the preceding 12 months. A dealer that previously operated under this threshold and subsequently exceeds it must comply with the requirements of subsections (6) and (9) through (15) of this section within one year of exceeding the threshold.

(20) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses. The department shall provide a single application form for dealer's licenses and a single license form which shall indicate the type or types of licenses granted.

~~((12))~~ (21) Except as otherwise provided in this chapter, every city, town, and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

**NEW SECTION. Sec. 2.** This act takes effect July 1, 2025.

**NEW SECTION. Sec. 3.** 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 Walsh moved the adoption of amendment (1053) to the striking amendment (837):

On page 4, beginning on line 4 of the striking amendment, after "record images" strike all material through "audio," on line 5

On page 5, beginning on line 5 of the striking amendment, after "VIDEO" strike all

material through "CONVERSATIONS" on line 6 and insert "SURVEILLANCE. YOUR IMAGE"

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

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

Amendment (1053) to the striking amendment (837) was not adopted.

Representative Walsh moved the adoption of amendment (923) to the striking amendment (837):

On page 4, line 25 of the striking amendment, after "years" insert "for all recordings of areas where firearms are displayed and points of sale, and for a minimum of 45 days for all recordings of interior views of exterior doors, windows, and any other entries or exits"

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

Amendment (923) to the striking amendment (837) was adopted.

Representative Walsh moved the adoption of amendment (1052) to the striking amendment (837):

On page 3, beginning on line 35 of the striking amendment, after "secured (i)" strike all material through "(ii)" on line 36

On page 3, line 37 of the striking amendment, after "section, or" strike "(iii)" and insert "(ii)"

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

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

Amendment (1052) to the striking amendment (837) was not adopted.

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

The striking amendment (837), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Walen and Walen (again) spoke in favor of the passage of the bill.

Representatives Walsh, error, Schmick, Eslick, Connors, Jacobsen, Corry, Dye, Graham, Dent, Waters, Maycumber and Sandlin spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2118.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2118, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, error, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, error, Cheney, error, Connors, Corry, Couture, Dent, Dye, Eslick, error, Graham, Griffey, error, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Chandler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2118, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2384, by Representatives Donaghy, Fitzgibbon, Walen and Pollet**

**Concerning automated traffic safety cameras.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2384 was substituted for House Bill No. 2384 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2384 was read the second time.

With the consent of the House, amendment (1006) was withdrawn.

Representative Donaghy moved the adoption of the striking amendment (967):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 46.63 RCW to read as follows:

The definitions in this section apply throughout this section and sections 2 through 6 of this act unless the context clearly requires otherwise.

(1) "Automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the front or rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device. "Automated traffic safety camera" also includes a device used to detect stopping at intersection or crosswalk violations; stopping when traffic obstructed violations;

public transportation only lane violations; and stopping or traveling in restricted lane violations.

(2) "Hospital speed zone" means the marked area within hospital property and extending 300 feet from the border of the hospital property (a) consistent with hospital use; and (b) where signs are posted to indicate the location is within a hospital speed zone, where "hospital" has the same meaning as in RCW 70.41.020.

(3) "Public park speed zone" means the marked area within public park property and extending 300 feet from the border of the public park property (a) consistent with active park use; and (b) where signs are posted to indicate the location is within a public park speed zone.

(4) "Public transportation vehicle" means any motor vehicle, streetcar, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers and that operates on established routes. "Transit authority" has the same meaning as provided in RCW 9.91.025.

(5) "School speed zone" has the same meaning as described in RCW 46.61.440 (1) and (2).

(6) "School walk zone" means a roadway identified under RCW 28A.160.160 or roadways within a one-mile radius of a school that students use to travel to school by foot, bicycle, or other means of active transportation.

(7) "Work zone" means an area of any city or county roadway with construction, maintenance, or utility work with a duration of 30 calendar days or more. A work zone is identified by the placement of temporary traffic control devices that may include signs, channelizing devices, barriers, pavement markings, and/or work vehicles with warning lights. It extends from the first warning sign or high intensity rotating, flashing, oscillating, or strobe lights on a vehicle to the end road work sign or the last temporary traffic control device or vehicle.

**NEW SECTION. Sec. 2.** A new section is added to chapter 46.63 RCW to read as follows:

(1) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(2) Cities and counties may authorize the use of traffic safety cameras through an ordinance adopted by the local legislative authority.

(3) The local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located before adding traffic safety cameras or relocating any existing camera to a new location within the jurisdiction. The analysis must include equity considerations including the impact of the camera placement

on livability, accessibility, economics, education, and environmental health, and shall consider the outcome of that analysis when identifying where to locate an automated traffic safety camera. The analysis must also show a demonstrated need for traffic cameras based on rates of collision and documented traffic reports showing near collisions, and on anticipated or actual ineffectiveness or infeasibility of other mitigation measures.

(4) Automated traffic safety cameras may not be used on an on-ramp to a limited access facility as defined in RCW 47.52.010.

(5) A city may use automated traffic safety cameras to enforce traffic ordinances in this section on state highways that are also classified as city streets under chapter 47.24 RCW.

(6) (a) At a minimum, a local ordinance adopted pursuant to this section must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to adopt an authorizing ordinance.

(b) (i) Cities and counties using automated traffic safety cameras must post an annual report on the city or county's website of the number of traffic crashes that occurred at each location where an automated traffic safety camera is located, as well as the number of notices of infraction issued for each camera. Beginning December 1, 2025, the annual report must include the percentage of revenues received from fines issued from automated traffic safety camera infractions that were used to pay for the costs of the automated traffic safety camera program and must describe the uses of revenues that exceeded the costs of operation and administration of the automated traffic safety camera program by the city or county.

(ii) The Washington traffic safety commission must provide an annual report to the transportation committees of the legislature, and post the report to its website for public access, beginning December 1, 2025, that includes aggregated information on the use of automated traffic safety cameras in the state that includes an assessment of the impact of their use, information required in city and county annual reports under (b) (i) of this subsection, and information on the number of automated traffic safety cameras in use by type and location, with an analysis of camera placement in the context of area demographics and household incomes. Cities and counties using automated traffic safety cameras must provide the commission with the data it requests for the report required under this subsection in a form and manner specified by the commission.

(7) All locations where an automated traffic safety camera is used on roadways or intersections must be clearly marked by placing signs at least 30 days prior to activation of the camera in locations that clearly indicate to a driver either that: (a) The driver is within an area where automated traffic safety cameras are authorized; or (b) the driver is entering an

area where violations are enforced by an automated traffic safety camera. The signs must be readily visible to a driver approaching an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

(8) Automated traffic safety cameras may only record images of the vehicle and vehicle license plate and only while an infraction is occurring. The image must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to record images of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties must consider installing automated traffic safety cameras in a manner that minimizes the impact of camera flash on drivers.

(9) A notice of infraction must be mailed to the registered owner of the vehicle within 14 days of the violation, or to the renter of a vehicle within 14 days of establishing the renter's name and address under subsection (18) of this section. The notice of infraction must include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(10) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (18) of this section. If appropriate under the circumstances, a renter identified under subsection (18)(a) of this section is responsible for an infraction.

(11) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this section are for the exclusive use of authorized city or county employees in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image, or any other personally identifying data may be used for any purpose other than enforcement of violations under

this section nor retained longer than necessary to enforce this section.

(12) If a county or city has established an automated traffic safety camera program as authorized under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(13) (a) Except as provided in (c) of this subsection, a county or a city may only use revenue generated by an automated traffic safety camera program as authorized under this section for traffic safety purposes including, but not limited to, projects designed to implement the complete streets approach as defined in RCW 47.04.010, changes in physical infrastructure to reduce speeds through road design, changes to improve safety for active transportation users, improve access and safety for road users with mobility, sight, or other disabilities, and for the cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions.

(b) The automated traffic safety camera program revenue used by a county or city for traffic safety purposes must include the use of revenue in census tracts of the city or county that have household incomes in the lowest quartile determined by the most currently available census data and areas that experience rates of injury crashes that are above average for the city or county. Funding contributed from traffic safety program revenue must be, at a minimum, proportionate to the share of the population of the county or city who are residents of these low-income communities and communities experiencing high injury crash rates. This share must be directed to investments that provide direct and meaningful traffic safety benefits to these communities. Revenue used to administer, install, operate, and maintain automated traffic safety cameras, including the cost of processing infractions, are excluded from determination of the proportionate share of revenues under this subsection (13) (b).

(c) Jurisdictions that have automated traffic safety camera programs in effect prior to the effective date of this section, for which an ordinance in effect as of January 1, 2024, directs the manner in which revenue generated from automated traffic safety cameras authorized under section 3 or 5(2)(c) of this act must be used, may continue to allocate revenue for these infractions in accordance with that ordinance, as well as for the purposes established in (a) and (b) of this subsection.

(14) A county or city may adopt the use of an online ability-to-pay calculator to process and grant requests for reduced fines or reduced civil penalties for automated traffic safety camera violations.

(15) Registered owners of vehicles who receive notices of infraction for automated traffic safety camera-enforced infractions and are recipients of public assistance

under Title 74 RCW or participants in the Washington women, infants, and children program, and who request reduced penalties for infractions detected through the use of automated traffic safety camera violations, must be granted reduced penalty amounts of 25 percent of what would otherwise be assessed. Registered owners of vehicles who receive notices of infraction must be provided with information on their eligibility and the opportunity to apply for a reduction in penalty amounts through the mail or internet.

(16) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section must be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2). The amount of the fine issued for an infraction generated through the use of an automated traffic safety camera may not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal violation detected through the use of an automated traffic safety camera may not exceed the monetary penalty for a violation of RCW 46.61.050 as provided under RCW 46.63.110, including all applicable statutory assessments; and the amount of fine issued for other automated traffic safety camera violations detected through the use of an automated traffic safety camera may not exceed two-thirds of the monetary penalty for a violation of an unscheduled infraction as prescribed by the supreme court in accordance with RCW 46.63.110(3), including two-thirds of all applicable statutory assessments.

(17) In addition to the penalty amounts for automated traffic safety camera infractions authorized in subsection (16) of this section, automated traffic safety camera infraction penalties must also include the fee specified in RCW 46.63.110(7)(c) to be deposited in the traumatic brain injury account created in RCW 74.31.060. This fee is waived for registered owners of vehicles granted the penalty reduction specified in subsection (15) of this section.

(18) If the registered owner of the vehicle is a rental car business, the law enforcement agency must, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within 18 days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection

must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty. Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

**NEW SECTION. Sec. 3.** A new section is added to chapter 46.63 RCW to read as follows:

(1) Automated traffic safety cameras may be used to detect stoplight violations, subject to section 2 of this act.

(2) Automated traffic safety cameras used to detect stoplight violations are restricted to intersections of two or more arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera.

**NEW SECTION. Sec. 4.** A new section is added to chapter 46.63 RCW to read as follows:

(1) Automated traffic safety cameras may be used to detect railroad grade crossing violations, subject to section 2 of this act.

(2) Automated traffic safety cameras at rail crossings may be used only to detect instances when a vehicle fails to stop when facing an activated railroad grade crossing control signal.

**NEW SECTION. Sec. 5.** A new section is added to chapter 46.63 RCW to read as follows:

(1) Automated traffic safety cameras may be used to detect speed violations, subject to section 2 of this act.

(2) Automated traffic safety cameras may be used to detect speed violations within the following locations:

- (a) Hospital speed zones;
- (b) Public park speed zones;
- (c) School speed zones;
- (d) School walk zones;

(e) Work zones on city streets, including on state highways also classified as city streets under chapter 47.24 RCW, and county roads as defined in RCW 46.04.150; and

(f) State highways within city limits that are classified as city streets under chapter 47.24 RCW.

(3) In addition to the automated traffic safety cameras that may be authorized for specified zones or roads in subsection (2) of this section, the local legislative authority may authorize the use of one additional automated traffic safety camera per 10,000 population to detect speed violations in locations deemed by the local legislative authority to experience higher crash risks due to excessive vehicle speeds. For automated traffic safety cameras authorized to detect speed violations as part of a pilot program prior to the effective date of this section, the location must be deemed by a local legislative

authority to have experienced higher crash risks due to excessive vehicle speeds prior to installation of the automated traffic safety camera.

**NEW SECTION. Sec. 6.** A new section is added to chapter 46.63 RCW to read as follows:

(1) Subject to section 2 of this act, automated traffic safety cameras may be used in cities with populations of 10,000 residents or greater to detect one or more of the following violations:

(a) Stopping when traffic obstructed violations;

(b) Stopping at intersection or crosswalk violations;

(c) Public transportation only lane violations; or

(d) Stopping or traveling in restricted lane violations.

(2) A transit authority may not take disciplinary action regarding a warning or infraction issued pursuant to this section against an employee who was operating a public transportation vehicle at the time the violation that was the basis of the warning or infraction was detected.

**Sec. 7.** RCW 46.16A.120 and 2012 c 83 s 5 are each amended to read as follows:

(1) Each court and government agency located in this state having jurisdiction over standing, stopping, and parking violations, the use of a photo toll system under RCW 46.63.160, the use of automated traffic safety cameras under ~~((RCW 46.63.170))~~ sections 2 through 6 of this act, and the use of automated school bus safety cameras under RCW 46.63.180 may forward to the department any outstanding:

(a) Standing, stopping, and parking violations;

(b) Civil penalties for toll nonpayment detected through the use of photo toll systems issued under RCW 46.63.160;

(c) Automated traffic safety camera infractions issued under RCW 46.63.030(1)(d); and

(d) Automated school bus safety camera infractions issued under RCW 46.63.030(1)(e).

(2) Violations, civil penalties, and infractions described in subsection (1) of this section must be reported to the department in the manner described in RCW 46.20.270(3).

(3) The department shall:

(a) Record the violations, civil penalties, and infractions on the matching vehicle records; and

(b) Send notice approximately ~~((one hundred twenty))~~ 120 days in advance of the current vehicle registration expiration date to the registered owner listing the dates and jurisdictions in which the violations, civil penalties, and infractions occurred, the amounts of unpaid fines and penalties, and the surcharge to be collected. Only those violations, civil penalties, and infractions received by the department ~~((one hundred twenty))~~ 120 days or more before the current vehicle registration expiration date will be included in the notice. Violations, civil penalties, and infractions received by

the department later than ((one hundred twenty))120 days before the current vehicle registration expiration date that are not satisfied will be delayed until the next vehicle registration expiration date.

(4) The department, county auditor or other agent, or subagent appointed by the director shall not renew a vehicle registration if there are any outstanding standing, stopping, and parking violations, and other civil penalties issued under RCW 46.63.160 for the vehicle unless:

(a) The outstanding standing, stopping, or parking violations and civil penalties were received by the department within ((one hundred twenty))120 days before the current vehicle registration expiration;

(b) There is a change in registered ownership; or

(c) The registered owner presents proof of payment of each violation, civil penalty, and infraction provided in this section and the registered owner pays the surcharge required under RCW 46.17.030.

(5) The department shall:

(a) Forward a change in registered ownership information to the court or government agency who reported the outstanding violations, civil penalties, or infractions; and

(b) Remove the outstanding violations, civil penalties, and infractions from the vehicle record.

**Sec. 8.** RCW 46.63.030 and 2023 c 17 s 1 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence, except as provided in RCW 46.09.485;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed;

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction;

(d) When the infraction is detected through the use of an automated traffic safety camera under ((RCW 46.63.170))sections 2 through 6 of this act. A trained and authorized civilian employee of a general authority Washington law enforcement agency, as defined in RCW 10.93.020, or an employee of a local public works or transportation department performing under the supervision of a qualified traffic engineer and designated by a city or county, has the authority to review infractions detected through the use of an automated traffic safety camera under sections 2 through 6 of this act and to issue notices of infraction consistent with section 2(9) of this act. These employees must be sufficiently trained and certified in reviewing infractions and issuing notices of infraction by qualified peace officers or by traffic engineers employed in the jurisdiction's public works or transportation department. Nothing in this subsection impairs decision and effects

collective bargaining rights under chapter 41.56 RCW;

(e) When the infraction is detected through the use of an automated school bus safety camera under RCW 46.63.180; or

(f) When the infraction is detected through the use of a speed safety camera system under RCW 46.63.200.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

(4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the person responsible under RCW 46.55.105. The notice must be entitled "Littering—Abandoned Vehicle" and give notice of the monetary penalty. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

**Sec. 9.** RCW 46.63.075 and 2023 c 17 s 2 are each amended to read as follows:

(1) In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera under ((RCW 46.63.170))sections 2 through 6 of this act, detected through the use of a speed safety camera system under RCW 46.63.200, or detected through the use of an automated school bus safety camera under RCW 46.63.180, proof that the particular vehicle described in the notice of traffic infraction was in violation of any such provision of sections 2 through 6 of this act or RCW ((46.63.170,)) 46.63.200((,)) and 46.63.180, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the

vehicle at the point where, and for the time during which, the violation occurred.

(2) This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

**Sec. 10.** RCW 46.68.480 and 2023 c 431 s 8 are each amended to read as follows:

The Cooper Jones active transportation safety account is created in the state treasury. All ~~((receipts from penalties collected under RCW 46.63.170))~~ funds designated by the legislature shall be deposited into the account. Expenditures from the account may be used only to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the Washington traffic safety commission. By December 1, 2024, and every two years thereafter, the commission shall report to the transportation committees of the legislature regarding the activities funded from the account. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

**Sec. 11.** RCW 46.63.110 and 2023 c 388 s 2 are each amended to read as follows:

(1) (a) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed \$250 for each offense unless authorized by this chapter or title.

(b) The court may waive or remit any monetary penalty, fee, cost, assessment, or other monetary obligation associated with a traffic infraction unless the specific monetary obligation in question is prohibited from being waived or remitted by state law.

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is \$250 for each offense; (b) RCW 46.61.210(1) is \$500 for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of \$25 for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed \$25 for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter, it is immediately payable and is enforceable as a civil judgment under Title 6 RCW. If the court determines that a person is not able to pay a monetary obligation in full, the court shall enter into a payment plan with the person in accordance with RCW 46.63.190 and standards that may be set out in court rule.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:

(a) A fee of \$5 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040;

(b) A fee of \$10 per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the general fund; and

(c) A fee of \$5 per infraction. Under no circumstances shall this fee be reduced or waived, except as provided in section 2 of this act. Revenue from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in RCW 74.31.060.

(8) (a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 or 46.61.212 shall be assessed an additional penalty of \$24. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) \$12.50 of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as follows: \$8.50 in the state general fund and \$4 in the driver licensing technology support account created under RCW 46.68.067. The moneys deposited into the driver licensing technology support account must be used to support information technology systems used by the department to communicate with the judicial information system, manage driving records, and



implement court orders. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the person may request a payment plan pursuant to RCW 46.63.190.

(10) The monetary penalty for violating RCW 46.37.395 is: (a) \$250 for the first violation; (b) \$500 for the second violation; and (c) \$750 for each violation thereafter.

(11) The additional monetary penalty for a violation of RCW 46.20.500 is not subject to assessments or fees provided under this section.

(12) The additional monetary fine for a violation of RCW 46.61.110, 46.61.145, 46.61.180, 46.61.185, 46.61.190, and 46.61.205 is not subject to assessments or fees provided under this section.

(13) The additional monetary penalties for a violation of RCW 46.61.165 are not subject to assessments or fees provided under this section.

**NEW SECTION. Sec. 12.** RCW 46.63.170 (Automated traffic safety cameras—Definition) and 2022 c 182 s 424, 2022 c 182 s 423, 2020 c 224 s 1, 2015 3rd sp.s. c 44 s 406, 2015 1st sp.s. c 10 s 702, & 2013 c 306 s 711 are each repealed."

Correct the title.

Representative Hutchins moved the adoption of amendment (1009) to the striking amendment (967):

On page 3, line 8, after "RCW." insert "A city government must notify the department of transportation when it installs an automated traffic safety camera to enforce traffic ordinances as authorized in this subsection."

Representatives Hutchins and Donaghy spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1009) to the striking amendment (967) was adopted.

Representative Barkis moved the adoption of amendment (997) to the striking amendment (967):

On page 5, line 3, after "(11)" insert "(a)"

On page 5, line 9, after "section" insert ", except as provided in (b) and (c) of this subsection"

On page 5, line 13, after "section" insert ", except as provided in (b) and (c) of this subsection."

(b) Pursuant to a lawfully issued search warrant, any records, photographs, microphotographs, and electronic images prepared under this section shall be made

available to law enforcement and all restrictions on their use, as set forth in (a) of this subsection, shall not apply.

(c) Pursuant to a subpoena for producing evidence or permitting inspection in a criminal case in which the court has made a finding of materiality, any records, photographs, microphotographs, and electronic images prepared under this section shall be made available to prosecuting attorneys and defense lawyers and all restrictions on their use, as set forth in (a) of this subsection, shall not apply"

Representatives Barkis, Griffey, Hutchins, Corry, Couture, error and error spoke in favor of the adoption of the amendment to the striking amendment.

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

Amendment (997) to the striking amendment (967) was not adopted.

Representative Robertson moved the adoption of amendment (1007) to the striking amendment (967):

On page 8, line 29, after "46.04.150" insert ", except that a notice of infraction may only be issued if an automated traffic safety camera captures a speed violation when workers are present"

Representatives Robertson and Timmons spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1007) to the striking amendment (967) was adopted.

Representative Low moved the adoption of amendment (1060) to the striking amendment (967):

On page 9, after line 5, insert the following:

"(4) Notices of infraction for automated traffic safety camera-detected speed violations may not be issued to the registered vehicle owner of:

(a) A law enforcement or marked fire department vehicle equipped with emergency lights and siren; or

(b) An ambulance licensed by the department of health and equipped with emergency lights and siren."

Representatives Low and Donaghy spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (1060) to the striking amendment (967) was adopted.

Representative Volz moved the adoption of amendment (1000) to the striking amendment (967):

On page 9, at the beginning of line 8, strike "(1)"

On page 9, at the beginning of line 11, strike "(a)" and insert "(1)"

On page 9, at the beginning of line 12, strike "(b)" and insert "(2)"

On page 9, at the beginning of line 13, strike "(c)" and insert "(3)"

On page 9, at the beginning of line 14, strike "(d)" and insert "(4)"

On page 9, beginning on line 15, strike all of subsection (2)

Correct any internal references accordingly.

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

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

Amendment (1000) to the striking amendment (967) was not adopted.

Representative Griffey moved the adoption of amendment (1002) to the striking amendment (967):

Beginning on page 5, line 32, after "(b)" strike all material through "(c)" on page 6, line 8

Correct any internal references accordingly.

On page 6, line 15, after "(a)" strike "and (b)"

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

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

Amendment (1002) to the striking amendment (967) was not adopted.

Representative Walsh moved the adoption of amendment (998) to the striking amendment (967):

On page 6, beginning on line 20, strike all of subsection (15)

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

On page 7, beginning on line 15, after "74.31.060." strike all material through "section." on line 17

Representatives Walsh, Hutchins and error spoke in favor of the adoption of the amendment to the striking amendment.

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

Amendment (998) to the striking amendment (967) was not adopted.

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

The striking amendment (967), 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 Donaghy spoke in favor of the passage of the bill.

Representatives Walsh, Graham, error and error spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2384.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2384, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, error, Berg, Bergquist, Berry, Bronoske, Callan, error, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, error, Connors, Corry, Couture, Dent, Dye, Eslick, error, Graham, Griffey, error, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Chandler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2384, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 2069, by Representatives Mosbrucker, Doglio and Reeves

##### Concerning the sale of biogenic carbon dioxide and other coproducts of biogas processing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2069 was substituted for House Bill No. 2069 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2069 was read the second time.

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

Representatives Mosbrucker and Doglio spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2069.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2069, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance,

Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 2069, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2166, by Representatives Paul and Shavers**

**Increasing access to portable orders for life-sustaining treatment.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2166 was substituted for House Bill No. 2166 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2166 was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2166.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2166, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SECOND SUBSTITUTE HOUSE BILL NO. 2166, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2207, by Representatives Ramos, Low, Chapman, Couture and Reed**

**Providing tools designed to reduce the impacts of unlawful solid waste dumping.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2207 was substituted for House Bill No. 2207 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2207 was read the second time.

Representative Ramos moved the adoption of the striking amendment (919):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that, despite a modern waste disposal infrastructure, the occurrences of unlawful solid waste dumping are an increasing problem on open spaces such as privately and publicly owned forestlands. This irresponsible waste dumping, which often includes hazardous materials, asbestos, derelict boats, junk vehicles, appliances, furniture, and household garbage not only creates significant costs for the landowner, but also creates immediate, and sometimes lasting, environmental and habitat damage and degradation of recreational and aesthetic opportunities.

(2) The legislature further finds that the current enforcement system, which relies on the criminalization of illegal dumping, may not be the most effective, efficient, or just penalty system. Converting all but the most egregious illegal dumping from a criminal act to a civil infraction creates a system of deterrence and penalties that better reflects the magnitude of the act, avoids criminal records for individuals who may be unable to afford appropriate waste management options, and reduces the burden on local criminal justice systems and infrastructures.

(3) The legislature further finds that appropriate waste disposal can create a financial barrier for some individuals. In an effort to divert illegal dumping, a portion of the existing litter cleanup restitution payment should be diverted from direct payments to landowners to funding efforts to mitigate the costs of proper disposal, restitution, or environmental damages.

**Sec. 2.** RCW 70A.200.060 and 2003 c 337 s 3 are each amended to read as follows:

(1) It is a violation of this section to ~~((abandon))~~:

(a) Abandon a junk vehicle upon any property ~~((In addition, no person shall throw))~~.

(b) Throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or her or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forestland, recreational area, trailer park, highway, road, street, or alley except:

~~((a))~~ (i) When the property is designated by the state or its agencies or political subdivisions for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;

~~((b))~~ (ii) Into a litter receptacle in a manner that will prevent litter from being carried away or deposited by the elements

upon any part of the private or public property or waters.

~~(2) ((a))~~ Except as provided in subsection ~~((4))~~ (7) of this section, it is a class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

~~((b))~~ (3) It is a ~~((misdemeanor for a person to litter in an amount greater than one cubic foot but less than one cubic yard.~~

~~The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner) natural resource infraction under chapter 7.84 RCW for a person to litter in an amount greater than one cubic foot but less than 10 cubic yards and a gross misdemeanor for a person to litter more than 10 cubic yards.~~

(4)(a) A person found liable under this section shall, in addition to the penalties provided for gross misdemeanors, or for natural resource infractions as provided in RCW 7.84.100, also pay a litter cleanup restitution payment equal to four times the actual cost of cleanup. The court shall distribute one-half of the restitution payment to the waste reduction, recycling, and litter control account created in RCW 70A.200.140 and one-half of the restitution payment to the law enforcement agency investigating the incident.

(b) The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.

(c) The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

~~((e) It is a gross misdemeanor for a person to litter in an amount of one cubic yard or more. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or one hundred dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.~~

(d)) (5) If a junk vehicle is abandoned in violation of this section, RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and the penalties that may be imposed against the person who abandoned the vehicle.

~~((3))~~ (6) If the violation occurs in a state park, the court shall, in addition to any other penalties assessed, order the person to perform ~~((twenty-four))~~ 24 hours of community restitution in the state park where the violation occurred if the state park has stated an intent to participate as provided in RCW 79A.05.050.

~~((4))~~ (7) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this section, potentially dangerous litter in any amount.

**Sec. 3.** RCW 7.84.100 and 2020 c 268 s 1 are each amended to read as follows:

(1) A person found to have committed an infraction shall be assessed a monetary penalty. No penalty may exceed ~~((five hundred dollars))~~ \$500 for each offense unless specifically authorized by statute.

(2) The supreme court may prescribe by rule a schedule of monetary penalties for designated infractions. The legislature requests the supreme court to adjust this schedule every two years for inflation. ~~((The))~~ Except as otherwise provided, the maximum penalty imposed by the schedule shall be ~~((five hundred dollars))~~ \$500 per infraction and the minimum penalty imposed by the schedule shall be ~~((ten dollars))~~ \$10 per infraction. This schedule may be periodically reviewed by the legislature and is subject to its revision.

(3) Penalties for violations of RCW 70A.200.060 that are natural resource infractions are as follows:

(a) Up to \$250 for a person found liable of littering between one cubic foot and one cubic yard of material;

(b) Up to \$750 for a person found liable of littering more than one cubic yard and less than seven cubic yards of material;

(c) Up to \$1,000 for a person found liable of littering between seven and 10 cubic yards of material.

(4) Whenever a monetary penalty is imposed by a court under this chapter, it is immediately payable. If the person is unable to pay at that time, the court may, in its discretion, grant an extension of the period in which the penalty may be paid.

~~((4))~~ (5) (a) The county treasurer shall remit ~~((seventy-five))~~ 75 percent of the money received under RCW 79A.80.080(5) to the state treasurer.

(b) Money remitted under this subsection to the state treasurer must be deposited in the recreation access pass account established under RCW 79A.80.090. The balance of the noninterest money received by the county treasurer must be deposited in the county current expense fund.

**Sec. 4.** RCW 70A.200.140 and 2022 c 297 s 963 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the waste reduction, recycling, and litter control account. Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) (~~Forty~~) 40 percent of receipts from taxes imposed in RCW 82.19.010 to the department of ecology, primarily for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for litter collection programs under RCW 70A.200.170. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide; to support employment of youth in litter cleanup as intended in RCW 70A.200.020, and for litter pick up using other authorized agencies; and for statewide public awareness programs under RCW 70A.200.150(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, recycling, and composting so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b) (i) (~~Twenty~~) 20 percent of receipts from taxes imposed in RCW 82.19.010 to the department for local government funding programs for waste reduction, litter control, recycling activities, and composting activities by cities and counties under RCW 70A.200.190, to be administered by the department of ecology; (ii) any unspent funds under (b) (i) of this subsection may be used to create and pay for a matching fund competitive grant program to be used by local governments for the development and implementation of contamination reduction and outreach plans for inclusion in comprehensive solid waste management plans or by local governments and nonprofit organizations for local or statewide education programs designed to help the public with litter control, waste reduction, recycling, and composting of primarily the products taxed under chapter 82.19 RCW. Recipients under this subsection include programs to reduce wasted food and food waste that are designed to achieve the goals established in RCW 70A.205.715(1) and that are consistent with the plan developed in RCW 70A.205.715(3). Grants must adhere to the following requirements: (A) No grant may exceed (~~sixty thousand dollars~~) \$60,000; (B) grant recipients shall match the grant funding allocated by the department by an amount equal to (~~twenty-five~~) 25 percent of eligible expenses. A local government's share of these costs may be met by cash or contributed services; (C) the obligation of the department to make grant payments is contingent upon the availability of the amount of money appropriated for this subsection (1)(b); and (D) grants are managed under the guidelines for existing grant programs; (~~and~~)

(c) (~~Forty~~) 40 percent of receipts from taxes imposed in RCW 82.19.010 to the department of ecology to: (i) Implement activities under RCW 70A.200.150 for waste reduction, recycling, and composting efforts; (ii) provide technical assistance to local governments and commercial businesses to increase recycling markets and

recycling and composting programs primarily for the products taxed under chapter 82.19 RCW designed to educate citizens about waste reduction, litter control, and recyclable and compostable products and programs; (iii) increase access to waste reduction, composting, and recycling programs, particularly for food packaging and plastic bags and appropriate composting techniques; and (iv) for programs to reduce wasted food and food waste that are designed to achieve the goals established in RCW 70A.205.715(1) and that are consistent with the plan developed in RCW 70A.205.715(3); and

(d) 100 percent of receipts from litter cleanup restitution payments as provided in RCW 70A.200.060(4) and of fines and bail forfeitures received under this chapter, in addition to any legislative appropriations made to the account for these specific purposes, to the department to award grants to local governments or nonprofit organizations designed to reduce illegal dumping on public or private forestlands or other open spaces. The grants must be awarded for project descriptions aimed at reducing outdoor dumping or reducing the cost of legal waste disposal, such as education campaigns, free or reduced-cost collection days, income-based waste disposal coupons or vouchers, communication and funding partnerships with other entities such as landowners or collection companies, funding emphasis enforcement, funding information rewards, mitigation money to assist landowners with removing large items or a substantial quantity of illegally dumped material, and other measures reasonably targeted at reducing illegal dumping. The department may implement this subsection (1)(d) by including any funding and activities in existing or related programs managed by the department and may use a portion of receipts from the litter cleanup restitution payments for administration of the grants required by this section.

(2) All taxes imposed in RCW 82.19.010 (~~and fines and bail forfeitures~~) collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) (a) through (c) of this section. Except as provided in this chapter and chapters 7.80 and 7.84 RCW, all fines and bail forfeitures collected or received pursuant to this chapter must be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1)(d) of this section.

(3) Not less than five percent and no more than (~~ten~~) 10 percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70A.200.170 for the remainder of the funds, so that the most effective waste reduction, litter control, recycling, and composting programs receive the most funding. The intent of this

subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) Funds in the waste reduction, recycling, and litter control account, collected under chapter 82.19 RCW, must be prioritized for the products identified under RCW 82.19.020 solely for the purposes of recycling, composting, and litter collection, reduction, and control programs.

~~((5) During the 2021-2023 fiscal biennium, Washington State University may use funds in the waste reduction, recycling, and litter control account, collected under chapter 82.19 RCW, to conduct an organic waste study.~~

~~(6) During the 2021-2023 fiscal biennium, and as an exception to the distribution of expenditures otherwise required in this section, the department of ecology may use funds in the waste reduction, recycling, and litter control account to continue a series of food waste reduction campaigns, to continue to invest in litter prevention campaigns, to conduct a recycling study, and to increase litter control on state highways.)~~

**Sec. 5.** RCW 70A.305.180 and 2023 c 475 s 940 are each amended to read as follows:

(1) The model toxics control operating account is hereby created in the state treasury.

(2) Moneys in the model toxics control operating account must be used only to carry out the purposes of this chapter, including but not limited to the following:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70A.300 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70A.205 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs and plans, including local solid waste financial assistance, in accordance with chapters 70A.405, 70A.205, 70A.214, 70A.224, and 70A.300 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70A.135 RCW;

(j) A public participation program;

(k) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70A.300.260;

(l) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(m) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(n) Air quality programs and actions for reducing public exposure to toxic air pollution;

(o) Petroleum-based plastic or expanded polystyrene foam debris clean-up activities in fresh or marine waters; and

(p) For the 2021-2023 fiscal biennium, and solely to continue the policy of previous biennia, forest practices at the department of natural resources.

(3) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in model toxics control operating account may be spent only after appropriation by statute.

(4) One percent of the moneys collected under RCW 82.21.030, plus any additional amounts appropriated by the legislature, must be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. Eligible grants may include efforts to reduce illegal dumping of hazardous materials or petroleum-containing products on public and private land. No grant may exceed ((sixty thousand dollars)) \$60,000. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the model toxics control operating account.

(5) The department must adopt rules for grant or loan issuance and performance.

(6) During the 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the model toxics control operating account to the state general fund.

**Sec. 6.** RCW 7.84.140 and 2011 c 320 s 13 are each amended to read as follows:

(1) The director chosen by the state parks and recreation commission, the commissioner of public lands, and the director of the department of fish and wildlife are each authorized to delegate and accept enforcement authority over natural resource infractions to or from the other agencies through an agreement entered into under the interlocal cooperation act, chapter 39.34 RCW.

(2) Any person specified in RCW 70A.200.050 may initiate enforcement of RCW 70A.200.060 for those infractions that are natural resource infractions under this chapter, with or without an interlocal agreement under this section.

**Sec. 7.** RCW 7.84.020 and 2012 c 176 s 2 are each amended to read as follows:

The definition in this section applies throughout this chapter unless the context clearly requires otherwise.

"Infraction" means an offense which, by the terms of Title 76, 77, 79, or 79A RCW or RCW 7.84.030(2)(b) or 70A.200.060, and rules adopted under these titles and sections, is declared not to be a criminal offense or a civil infraction and is subject to the provisions of this chapter.

**Sec. 8.** RCW 70A.200.070 and 1996 c 263 s 2 are each amended to read as follows:

The director may prescribe the procedures for the collection of penalties, costs, and other charges allowed by chapters 7.80 and 7.84 RCW for violations of this chapter. Any person specified in RCW 70A.200.050 that is also a general peace officer authorized to take actions specified in RCW 7.84.030, including detentions for a reasonable period and investigations, may take those actions with respect to littering infractions under this chapter."

Correct the title.

Representatives error and Dye spoke in favor of the adoption of the striking amendment.

The striking amendment (919) 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 error, Dye and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2207.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2207, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2207, having received the necessary constitutional majority, was declared passed.

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

#### SECOND READING

**HOUSE BILL NO. 2245, by Representatives Bronoske, Eslick, Ramel, Senn, Reed, Macri, Leavitt and Davis**

**Establishing co-response services and training as an essential component of the crisis care continuum.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2245 was substituted for House Bill No. 2245 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2245 was read the second time.

Representative Bronoske moved the adoption of amendment (969):

On page 2, line 16, after "work" insert ", in consultation with the authority,"

On page 2, line 27, after "department" insert "and the authority"

On page 2, line 35, after "work" insert ", in consultation with the authority,"

On page 12, line 17, after "behavioral" strike "or mental"

Representatives Bronoske and Schmick spoke in favor of the adoption of the amendment.

Amendment (969) 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 Bronoske and Schmick spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2245.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2245, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2245, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2467, by Representatives Macri, Chopp, Thai, Bateman and Pollet**

**Increasing access to the long-term services and supports trust.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2467 was substituted for House Bill No. 2467 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2467 was read the 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 Macri spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2467.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2467, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, error, Berg, Bergquist, Berry, Bronoske, Callan, error, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, error, Connors, Corry, Couture, Dent, Dye, Eslick, error, Graham, Griffey, error, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 2467, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2271, by Representatives Chambers, Springer, Abbarno, Walen, Jacobsen, Riccelli, Santos, Macri and Walsh**

**Promoting access to information regarding the long-term services and supports trust program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2271 was substituted for House Bill No. 2271 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2271 was read the 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 error spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2271.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2271, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 2271, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1941, by Representatives Couture, Schmidt, Reed, Graham, Barnard, Kloba, Cheney, Riccelli, Pollet, Griffey and Jacobsen**

**Providing for health home services for medicaid-eligible children with medically complex conditions.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1941 was substituted for House Bill No. 1941 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1941 was read the 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 Couture and error spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1941.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1941, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler



SECOND SUBSTITUTE HOUSE BILL NO. 1941, having received the necessary constitutional majority, was declared passed.

Monday, February 12, 2024

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

### THIRD READING

**HOUSE BILL NO. 1052, by Representatives Ramel, Lekanoff, Bateman, Reed, Pollet, Walen, Doglio and Kloba**

**Providing a property tax exemption for qualified real and personal property owned or used by a nonprofit entity in providing qualified housing funded in whole or part through a local real estate excise tax.**

The bill was read the third time.

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

Representative Orcutt spoke against the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1052.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1052, and the bill passed the House by the following vote: Yeas, 71; Nays, 26; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, error, Cheney, Chopp, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, Hutchins, Kloba, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Nance, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Chambers, error, Connors, Corry, Dent, Dye, error, Jacobsen, Klicker, Kretz, Maycumber, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Chandler

HOUSE BILL NO. 1052, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on House Bill No. 1052.

Representative Graham, 6th District

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

### MOTION

There being no objection, the Committee on Civil Rights & Judiciary was relieved of SECOND SUBSTITUTE SENATE BILL NO. 5660, and the bill was referred to the Committee on Health Care & Wellness.

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

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

### MESSAGE FROM THE SENATE

Mme. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5213

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5284

SECOND SUBSTITUTE SENATE BILL NO. 5591

SUBSTITUTE SENATE BILL NO. 5803

SUBSTITUTE SENATE BILL NO. 5873

SENATE BILL NO. 5889

SUBSTITUTE SENATE BILL NO. 6099

SUBSTITUTE SENATE BILL NO. 6106

SUBSTITUTE SENATE BILL NO. 6115

SUBSTITUTE SENATE BILL NO. 6146

ENGROSSED SUBSTITUTE SENATE BILL NO. 6179

SUBSTITUTE SENATE BILL NO. 6192

SENATE BILL NO. 6238

SENATE BILL NO. 6263

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

### MOTIONS

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2382

HOUSE BILL NO. 2122

HOUSE BILL NO. 2076

HOUSE BILL NO. 2197

HOUSE BILL NO. 2313

HOUSE BILL NO. 1439

HOUSE BILL NO. 2023

HOUSE BILL NO. 2098

HOUSE BILL NO. 2273

HOUSE BILL NO. 2344

HOUSE BILL NO. 2329

HOUSE BILL NO. 2306

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the third reading calendar:

SUBSTITUTE HOUSE BILL NO. 1768

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

### THIRD READING

**SUBSTITUTE HOUSE BILL NO. 1104, by House Committee on Transportation (originally sponsored by Goodman, Wylie, Davis and Ormsby)**

**Concerning eligibility and requirements for deferred prosecutions.**

The bill was read the third time.

With the consent of the House, amendment (800) was withdrawn.

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

Representatives Mosbrucker, Cheney, Walsh, error, error, Abbarno, Jacobsen, Orcutt and Maycumber spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1104.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1104, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, error, Berg, Bergquist, Berry, Bronoske, Callan, error, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, error, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Ryu, Santos, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, error, Connors, Corry, Couture, Dent, Dye, Eslick, error, Graham, Griffey, error, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Senn, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 1104, having received the necessary constitutional majority, was declared passed.

#### SECOND SUBSTITUTE HOUSE BILL NO. 1205, by House Committee on Appropriations (originally sponsored by Taylor, Reed and Senn)

##### Responsibility for providing service by publication of a summons or notice in dependency and termination of parental rights cases.

The bill was read the third time.

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1205.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1205, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SECOND SUBSTITUTE HOUSE BILL NO. 1205, having received the necessary constitutional majority, was declared passed.

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

#### SECOND READING

#### HOUSE BILL NO. 2474, by Representatives Peterson, Alvarado, Gregerson, Berry, Leavitt, Fosse, Macri, Nance, Chopp and Bateman

##### Concerning compliance with siting requirements for transitional housing, permanent supportive housing, indoor emergency shelters, and indoor emergency housing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2474 was substituted for House Bill No. 2474 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2474 was read the second time.

With the consent of the House, amendments (937) and (1023) were withdrawn.

Representative Peterson moved the adoption of the striking amendment (1015):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW to read as follows:

(1) The department of commerce shall provide services to facilitate the timely resolution of disputes between a city and:

(a) An applicant seeking a project permit or development agreement to site or construct permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters; or

(b) A developer for permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters that alleges a zoning ordinance or development regulations adopted by the city prevents the siting of housing or shelter in violation of RCW 35.21.683, 36.130.020, or, if applicable, 36.70A.070(2)(c).

(2) A city, an applicant, or a developer as specified in subsection (1) of this section may request the department of commerce provide facilitation services to resolve issues of concern with a proposed development of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters.

(3) If dispute resolution is unsuccessful, the city must submit the project permit application, any development agreement, any zoning ordinance and related development regulations, or any other relevant documents, including a statement of the reason for any denial, rescission, or conditions of approval, the requirements necessary to fulfill the development agreement or development regulations, or how the adopted ordinance and development regulations comply with RCW 35.21.683, to the department of commerce for review.

(4)(a) If the department of commerce finds that the final decision on the project permit application, a development agreement, or another permitting process violates RCW

35.21.683, 36.130.020, or, if applicable, 36.70A.070(2)(c), the department shall reverse the final decision and return it to the city for approval, modification, or further proceedings.

(b) If the department of commerce finds that a zoning ordinance or development regulations adopted by the city prevents the siting of housing or shelter in violation of RCW 35.21.683, 36.130.020, or, if applicable, 36.70A.070(2)(c), the department must issue a determination of noncompliance.

(5)(a) The final decision of the department of commerce under subsection (4)(a) of this section may be appealed as a land use decision under chapter 36.70C RCW by the city, the applicant, or any other person with standing under RCW 36.70C.060.

(b) The final decision of the department of commerce under subsection (4)(b) of this section may be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.

(6)(a) The department shall notify the state treasurer if a city fails to:

(i) Issue a project permit application, a development agreement, or another permit or process decision within 30 days of a determination of noncompliance under subsection (4)(a) of this section; or

(ii) Amend its zoning ordinance and related development regulations to comply with RCW 35.21.683, 36.130.020, and, if applicable, 36.70A.070(2)(c) within 30 days of a determination of noncompliance under subsection (4)(b) of this section.

(b) Upon notification, the state treasurer shall withhold the following revenues to which a city is entitled: (i) The motor vehicle fuel tax, as provided in chapter 82.38 RCW; (ii) the transportation improvement account, as provided in RCW 47.26.084; (iii) the rural arterial trust account, as provided in RCW 36.79.150; (iv) the sales and use tax, as provided in chapter 82.14 RCW; (v) the liquor profit tax, as provided in RCW 66.08.190; and (vi) the liquor excise tax, as provided in RCW 82.08.170.

(c) The state treasurer shall resume distributions of revenues withheld under (b) of this subsection when the city issues the project permit application or amends its zoning ordinance and related development regulations.

(7) An applicant submitting a project permit application, a development agreement, or other documents for permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters may submit a copy of the project permit application, development agreement, or other documents to the department of commerce. An applicant also may request a review of any denial, rescission, or conditions for approval by a city.

(8) The department of commerce may adopt any rules necessary to implement this section.

(9) This section expires July 1, 2029.

NEW SECTION. **Sec. 2.** A new section is added to chapter 35A.21 RCW to read as follows:

(1) The department of commerce shall provide services to facilitate the timely resolution of disputes between a code city and:

(a) An applicant seeking a project permit or development agreement to site or construct permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters; or

(b) A developer for permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters that alleges a zoning ordinance or development regulations adopted by the code city prevents the siting of housing or shelter in violation of RCW 35A.21.430, 36.130.020, or, if applicable, 36.70A.070(2)(c).

(2) A code city, an applicant, or a developer as specified in subsection (1) of this section may request the department of commerce provide facilitation services to resolve issues of concern with a proposed development of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters.

(3) If dispute resolution is unsuccessful, the code city must submit the project permit application, any development agreement, any zoning ordinance and related development regulations, or any other relevant documents, including a statement of the reason for any denial, rescission, or conditions of approval, the requirements necessary to fulfill the development agreement or development regulations, or how the adopted ordinance and development regulations comply with RCW 35A.21.430, to the department of commerce for review.

(4)(a) If the department of commerce finds that the final decision on the project permit application, a development agreement, or another permitting process violates RCW 35A.21.430, 36.130.020, or, if applicable, 36.70A.070(2)(c), the department shall reverse the final decision and return it to the code city for approval, modification, or further proceedings.

(b) If the department of commerce finds that a zoning ordinance or development regulations adopted by the code city prevents the siting of housing or shelter in violation of RCW 35A.21.430, 36.130.020, or, if applicable, 36.70A.070(2)(c), the department must issue a determination of noncompliance.

(5)(a) The final decision of the department of commerce under subsection (4)(a) of this section may be appealed as a land use decision under chapter 36.70C RCW by the code city, the applicant, or any other person with standing under RCW 36.70C.060.

(b) The final decision of the department of commerce under subsection (4)(b) of this section may be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.

(6)(a) The department shall notify the state treasurer if a code city fails to:

(i) Issue a project permit application, a development agreement, or another permit or process decision within 30 days of a determination of noncompliance under subsection (4)(a) of this section; or

(ii) Amend its zoning ordinance and related development regulations to comply with RCW 35A.21.430, 36.130.020, and, if applicable, 36.70A.070(2)(c) within 30 days of a determination of noncompliance under subsection (4)(b) of this section.

(b) Upon notification, the state treasurer shall withhold the following revenues to which a code city is entitled: (i) The motor vehicle fuel tax, as provided in chapter 82.38 RCW; (ii) the transportation improvement account, as provided in RCW 47.26.084; (iii) the rural arterial trust account, as provided in RCW 36.79.150; (iv) the sales and use tax, as provided in chapter 82.14 RCW; (v) the liquor profit tax, as provided in RCW 66.08.190; and (vi) the liquor excise tax, as provided in RCW 82.08.170.

(c) The state treasurer shall resume distributions of revenues withheld under (b) of this subsection when the code city issues the project permit application or amends its zoning ordinance and related development regulations.

(7) An applicant submitting a project permit application, a development agreement, or other documents for permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters may submit a copy of the project permit application, development agreement, or other documents to the department of commerce. An applicant also may request a review of any denial, rescission, or conditions for approval by a code city.

(8) The department of commerce may adopt any rules necessary to implement this section.

(9) This section expires July 1, 2029."

Correct the title.

Representative Connors moved the adoption of amendment (1021) to the striking amendment (1015):

On page 2, beginning on line 16 of the striking amendment, strike all of subsection (6)

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

On page 4, beginning on line 14 of the striking amendment, strike all of subsection (6)

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

Representatives Connors and Hutchins spoke in favor of the adoption of the amendment to the striking amendment.

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

Amendment (1021) to the striking amendment (1015) was not adopted.

Representatives Connors and Peterson spoke in favor of the adoption of the striking amendment.

The striking amendment (1015) 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 Peterson spoke in favor of the passage of the bill.

Representatives Klicker, Jacobsen, Chambers, Barkis, Abbarno, Hutchins and error spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2474.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2474, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, error, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Rule, Ryu, Santos, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, error, Cheney, error, Connors, Corry, Couture, Dent, Dye, Eslick, error, Graham, Griffey, error, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Senn, Steele, Stokesbary, Volz, Walen, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Chandler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2474, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2128, by Representatives Schmick, Graham, Macri, Harris, Jacobsen and Hutchins**

**Modernizing the certificate of need program.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2128 was substituted for House Bill No. 2128 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2128 was read the second time.

Representative Schmick moved the adoption of amendment (862):

On page 1, line 16, after "(e)" insert "The secretary of the department of social and health services, or the secretary's designee;

(f) "

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

On page 3, line 10, after "determinations" insert "and the average review timeline for a decision"

On page 4, at the beginning of line 7, strike "overutilization" and insert "duplication or oversaturation"

Representatives Schmick and error spoke in favor of the adoption of the amendment.

Amendment (862) 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 Schmick, error and Jacobsen spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2128.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2128, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2128, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1239, by Representatives Santos, Kloba, Morgan, Ramel and Pollet**

**Establishing a simple and uniform system for complaints related to, and instituting a code of educator ethics for, conduct within or involving public elementary and secondary schools.**

The bill was read the second time.

There being no objection, Fourth Substitute House Bill No. 1239 was substituted for House Bill No. 1239 and the fourth substitute bill was placed on the second reading calendar.

FOURTH SUBSTITUTE HOUSE BILL NO. 1239 was read the second time.

Representative Rude moved the adoption of amendment (873):

On page 5, line 6, after "(b)" insert "actually or substantially"

Representatives Rude and Santos spoke in favor of the adoption of the amendment.

Amendment (873) was adopted.

The bill was ordered engrossed.

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

Representatives Santos and Rude spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Fourth Substitute House Bill No. 1239.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Fourth Substitute House Bill No. 1239, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, error, Klicker, Orcutt and Walsh

Excused: Representative Chandler

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1239, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2293, by Representatives Wilcox, Chapman, Kretz, Dent, Barkis and Barnard**

**Studying the effects of avian predation of salmon.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2293 was substituted for House Bill No. 2293 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2293 was read the 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 Wilcox, Reeves, Ybarra, Dent, Sandlin, Orcutt and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2293.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2293, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber,

McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 2293, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2084, by Representatives Fosse, Low, Berry, Leavitt, Simmons, Reed, Ormsby, Street, Bronoske, Ryu, Chapman, Wylie, Doglio, Cortes, Paul, Reeves and Davis**

**Establishing an oversight committee to improve construction-related training and pathways to state registered apprenticeships in state correctional facilities.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2084 was substituted for House Bill No. 2084 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2084 was read the second time.

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

Representatives Fosse, Mosbrucker, Orcutt, Schmidt, Klicker, Chambers and error spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2084.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2084, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SECOND SUBSTITUTE HOUSE BILL NO. 2084, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2408, by Representatives Lekanoff, Orwall, Davis, Ramel and Nance**

**Concerning methods of communication used by the technology platform designed for the behavioral health crisis response and suicide prevention system.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2408 was substituted for House Bill No. 2408 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2408 was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2408.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2408, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 2408, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2204, by Representatives Waters and Wylie**

**Creating a special liquor permit.**

The bill was read the second time.

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

Representatives Waters and Wylie spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 2204.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2204, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, Reed, Reeves, error, Robertson, Rude, Rule, Sandlin, Santos,

Schmick, Schmidt, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Davis, error, Ryu, Senn and Thai  
Excused: Representative Chandler

HOUSE BILL NO. 2204, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2044, by Representatives Duerr, Senn, Fitzgibbon, Alvarado, Ryu, Taylor, Callan, Berry, Gregerson, Reed, Macri, Chopp, Bergquist, Goodman, Pollet, Kloba and Davis**

**Standardizing limitations on voter-approved property tax levies.**

The bill was read the second time.

Representative Orcutt moved the adoption of the striking amendment (1049):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 84.55.050 and 2021 c 296 s 14 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than 12 months prior to the date on which the proposed levy is to be made, except as provided in subsection (2) of this section. The ballot of the proposition shall state the dollar rate proposed and shall clearly state the conditions, if any, which are applicable under subsection (4) of this section.

(2)(a) Subject to statutory dollar limitations, a proposition placed before the voters under this section may authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot measure must state the limited purposes for which the proposed annual increases during the specified period of up to six consecutive years shall be used.

~~(b) ((i) Except as otherwise provided in this subsection (2)(b), funds) Funds raised by a levy under this subsection may not supplant existing funds used for the limited purpose specified in the ballot title. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the taxing district receiving the services, and major nonrecurring capital expenditures.~~

~~((ii) The supplanting limitations in (b) (i) of this subsection do not apply to levies approved by the voters in calendar years 2009, 2010, 2011, 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2022, in any county with a population of 1,500,000 or more. This subsection (2)(b)(ii) only applies to levies approved by the voters after July 26, 2009.~~

~~((iii) The supplanting limitations in (b) (i) of this subsection do not apply to levies approved by the voters in calendar year 2009 and thereafter in any county with a population less than 1,500,000. This subsection (2)(b)(iii) only applies to levies approved by the voters after July 26, 2009.)~~

(3) After a levy authorized pursuant to this section is made, the dollar amount of such levy may not be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, unless the ballot proposition expressly states that the levy made under this section will be used for this purpose.

(4) If expressly stated, a proposition placed before the voters under subsection (1) or (2) of this section may:

(a) Use the dollar amount of a levy under subsection (1) of this section, or the dollar amount of the final levy under subsection (2) of this section, for the purpose of computing the limitations for subsequent levies provided for in this chapter;

(b) Limit the period for which the increased levy is to be made under (a) of this subsection;

(c) Limit the purpose for which the increased levy is to be made under (a) of this subsection, but if the limited purpose includes making redemption payments on bonds;

(i) For the county in which the state capitol is located, the period for which the increased levies are made may not exceed 25 years; and

(ii) For districts other than a district under (c)(i) of this subsection, the period for which the increased levies are made may not exceed nine years;

(d) Set the levy or levies at a rate less than the maximum rate allowed for the district;

(e) Provide that the exemption authorized by RCW 84.36.381 will apply to the levy of any additional regular property taxes authorized by voters; or

(f) Include any combination of the conditions in this subsection.

(5) Except as otherwise expressly stated in an approved ballot measure under this section, subsequent levies shall be computed as if:

(a) The proposition under this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the proposition."

Correct the title.

Representatives Orcutt and Orcutt (again) spoke in favor of the adoption of the striking amendment.

Representative Berg spoke against the adoption of the striking amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 37 - YEAS; 51 - NAYS.

The striking amendment (1049) was not adopted.

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

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

Representatives Orcutt and error spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 2044.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2044, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, error, Berg, Bergquist, Berry, Bronoske, Callan, error, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, McEntire, Mena, Morgan, Nance, Ormsby, Ortiz-Self, error, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, error, Connors, Corry, Couture, Dent, Dye, Eslick, Graham, Griffey, error, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Chandler

HOUSE BILL NO. 2044, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2256, by Representatives Callan, Eslick, Senn, Davis, Paul, Thai, Ormsby, Pollet and Macri**

**Addressing the children and youth behavioral health work group.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2256 was substituted for House Bill No. 2256 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2256 was read the second time.

Representative Callan moved the adoption of amendment (1054):

On page 3, beginning on line 39, after "(k)" strike all material through "date" on page 4, line 5 and insert "The terms for work group members appointed under subsection (d) of this subsection after the effective date of this section may not exceed three years. Work group members appointed under subsection (d) of this subsection before the effective date of this section may remain in their positions until January 1, 2027, but their terms may not go beyond that date"

Representatives Callan and Eslick spoke in favor of the adoption of the amendment.

Amendment (1054) was adopted.

The bill was ordered engrossed.

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

Representatives Callan, Eslick, Callan (again), Abbarno, Eslick (again) and Dent spoke in favor of the passage of the bill.

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2256.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2256, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Gregerson, Griffey, Hackney, error, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Graham, Jacobsen, McEntire and Walsh

Excused: Representative Chandler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2256, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2254, by Representatives Walen, Reeves, Reed and Springer**

**Implementing recommendations of the 2023 child support schedule work group.**

The bill was read the second time.



There being no objection, Substitute House Bill No. 2254 was substituted for House Bill No. 2254 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2254 was read the second time.

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

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2254.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2254, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, error, Berg, Bergquist, Berry, Bronoske, Callan, error, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Rude, Rule, Ryu, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Cheney, error, Connors, Corry, Couture, Dent, Eslick, error, Graham, Griffey, error, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Sandlin, Steele, Stokesbary, Walsh, Waters and Wilcox

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 2254, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2151, by Representatives Reeves, Chapman and Kloba**

**Reassigning the accreditation of private cannabis testing laboratories from the department of ecology to the department of agriculture.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2151 was substituted for House Bill No. 2151 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2151 was read the second time.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2151.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2151, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative error

Excused: Representative Chandler

SECOND SUBSTITUTE HOUSE BILL NO. 2151, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2354, by Representatives Street, Orcutt, Bronoske, Robertson, Chambers, Callan, Bateman, Doglio and Reed**

**Creating an option for impacted taxing districts to provide a portion of their new revenue to support any tax increment area proposed within their jurisdiction.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2354 was substituted for House Bill No. 2354 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2354 was read the second time.

Representative Street moved the adoption of the striking amendment (972):

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 39.114.010 and 2023 c 354 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessed value of real property" means the valuation of taxable real property as placed on the last completed assessment roll prepared pursuant to Title 84 RCW.

(2) "Increment area" means the geographic area within which regular property tax revenues are to be apportioned to pay public improvement costs, as authorized under this chapter.

(3) "Increment value" means 100 percent of any increase in the true and fair value of real property in an increment area that is placed on the tax rolls after the increment area takes effect. The increment value shall not be less than zero.

(4) "Local government" means any city, town, county, port district, or any combination thereof.

(5) "Ordinance" means any appropriate method of taking legislative action by a local government, including a resolution

adopted by a port district organized under Title 53 RCW.

(6) "Public improvement costs" means the costs of:

(a) Design, planning, acquisition, required permitting, required environmental studies and mitigation, seismic studies or surveys, archaeological studies or surveys, land surveying, site acquisition, including appurtenant rights and site preparation, construction, reconstruction, rehabilitation, improvement, expansion, and installation of public improvements, and other directly related costs;

(b) Relocating, maintaining, and operating property pending construction of public improvements;

(c) Relocating utilities as a result of public improvements;

(d) Financing public improvements, including capitalized interest for up to six months following completion of construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary debt service reserves;

(e) Expenses incurred in revaluing real property for the purpose of determining the tax allocation base value by a county assessor under chapter 84.41 RCW and expenses incurred by a county treasurer under chapter 84.56 RCW in apportioning the taxes and complying with this chapter and other applicable law. For purposes of this subsection (6)(e), "expenses incurred" means actual staff and software costs directly related to the implementation and ongoing administration of increment areas under this chapter; ~~(and)~~

(f) Administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of tax increment financing to fund the costs of the public improvements; and

(g) Funding for mitigation to impacted taxing districts as allowed in RCW 39.114.020.

(7) "Public improvements" means:

(a) Infrastructure improvements owned by a state or local government within or outside of and serving the increment area and real property owned or acquired by a local government within the increment area including:

(i) Street and road construction;

(ii) Water and sewer system construction, expansion, and improvements;

(iii) Sidewalks and other nonmotorized transportation improvements and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities or other transit facilities;

(vi) Park and community facilities and recreational areas;

(vii) Stormwater and drainage management systems;

(viii) Electric, broadband, or rail service;

(ix) Mitigation of brownfields; or

(b) Expenditures for any of the following purposes:

(i) Purchasing, rehabilitating, retrofitting for energy efficiency, and constructing housing for the purpose of creating or preserving long-term affordable housing;

(ii) Purchasing, rehabilitating, retrofitting for energy efficiency, and constructing child care facilities serving children and youth that are low-income, homeless, or in foster care;

(iii) Providing maintenance and security for the public improvements;

(iv) Historic preservation activities authorized under RCW 35.21.395; or

(v) Relocation and construction of a government-owned facility, with written permission from the agency owning the facility and the office of financial management.

(8) "Real property" means:

(a) Real property as defined in RCW 84.04.090; and

(b) Privately owned or used improvements located on publicly owned land that are subject to property taxation or leasehold excise tax.

(9) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by port districts or public utility districts to the extent necessary for the payments of principal and interest on general obligation debt; and (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065. Regular property taxes do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043. "Regular property taxes" does not include excess property taxes levied by local school districts.

(10) "Tax allocation base value" means the assessed value of real property located within an increment area for taxes imposed in the year in which the increment area takes effect.

(11) "Tax allocation revenues" means those revenues derived from the imposition of regular property taxes on the increment value.

(12) "Taxing district" means a governmental entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved increment area.

**Sec. 2.** RCW 39.114.020 and 2023 c 354 s 2 are each amended to read as follows:

(1) A local government may designate an increment area under this chapter and use the tax allocation revenues to pay public improvement costs, subject to the following conditions:

(a) The local government must adopt an ordinance designating an increment area within its boundaries and describing the public improvements proposed to be paid for, or financed with, tax allocation revenues;

(b) The local government may not designate increment area boundaries such that the entirety of its territory falls within an increment area;

(c) The increment area may not have an assessed valuation of more than \$200,000,000 or more than 20 percent of the sponsoring jurisdiction's total assessed valuation, whichever is less, when the ordinance is passed. If a sponsoring jurisdiction creates two increment areas, the total combined assessed valuation in both of the two increment areas may not equal more than \$200,000,000 or more than 20 percent of the sponsoring jurisdiction's total assessed valuation, whichever is less, when the ordinances are passed creating the increment areas;

(d) A local government can create no more than two active increment areas at any given time and they may not physically overlap by including the same land in more than one increment area at any time;

(e) The ordinance must set a sunset date for the increment area, which may be no more than 25 years after the first year in which tax allocation revenues are collected from the increment area;

(f) The ordinance must identify the public improvements to be financed and indicate whether the local government intends to issue bonds or other obligations, payable in whole or in part, from tax allocation revenues to finance the public improvement costs, and must estimate the maximum amount of obligations contemplated;

(g) The ordinance must provide that the increment area takes effect on June 1st following the adoption of the ordinance in (a) of this subsection;

(h) The sponsoring jurisdiction may not add additional public improvements to the project after adoption of the ordinance creating the increment area or change the boundaries of the increment area. The sponsoring jurisdiction may expand, alter, or add to the original public improvements when doing so is necessary to assure the originally approved improvements can be constructed or operated;

(i) The ordinance must impose a deadline by which commencement of construction of the public improvements shall begin, which deadline must be at least five years into the future and for which extensions shall be made available for good cause; and

(j) The local government must make a finding that:

(i) The public improvements proposed to be paid or financed with tax allocation revenues are expected to encourage private development within the increment area and to increase the assessed value of real property within the increment area;

(ii) Private development that is anticipated to occur within the increment area as a result of the proposed public improvements will be permitted consistent with the permitting jurisdiction's applicable zoning and development standards;

(iii) The private development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future without the proposed public improvements; and

(iv) The increased assessed value within the increment area that could reasonably be expected to occur without the proposed public improvements would be less than the increase in the assessed value estimated to

result from the proposed development with the proposed public improvements.

(2) In considering whether to designate an increment area, the legislative body of the local government must prepare a project analysis that shall include, but need not be limited to, the following:

(a) A statement of objectives of the local government for the designated increment area;

(b) A statement as to the property within the increment area, if any, that the local government may intend to acquire;

(c) The duration of the increment area;

(d) Identification of all parcels to be included in the area;

(e) A description of the expected private development within the increment area, including a comparison of scenarios with the proposed public improvements and without the proposed public improvements;

(f) A description of the public improvements, estimated public improvement costs, and the estimated amount of bonds or other obligations expected to be issued to finance the public improvement costs and repaid with tax allocation revenues;

(g) The assessed value of real property listed on the tax roll as certified by the county assessor under RCW 84.52.080 from within the increment area and an estimate of the increment value and tax allocation revenues expected to be generated;

(h) An estimate of the job creation reasonably expected to result from the public improvements and the private development expected to occur in the increment area; and

(i) An assessment of any impacts and any necessary mitigation to address the impacts identified on the following:

(i) Affordable and low-income housing;

(ii) The local business community;

(iii) The local school districts; and

(iv) The local fire service, public hospital service, and emergency medical services.

(3) The local government may charge a private developer, who agrees to participate in creating the increment area, a fee sufficient to cover the cost of the project analysis and establishing the increment area, including staff time, professionals and consultants, and other administrative costs related to establishing the increment area.

(4) Nothing in this section prohibits a local government from entering into an agreement under chapter 39.34 RCW with another local government for the administration or other activities related to tax increment financing authorized under this section.

(5) (a) If the project analysis indicates that an increment area will impact at least 20 percent of the assessed value in a public hospital district, fire protection district, or regional fire protection service authority, or if the public hospital district's or the fire service agency's annual report, or other governing board-adopted capital facilities plan, demonstrates an increase in the level of service directly related to the increased development in the increment area, the local government must ((negotiate)) enter into

negotiations for a mitigation plan with the impacted public hospital district, fire protection district, or regional fire protection service authority to address level of service issues in the increment area.

(b) If the parties cannot agree pursuant to (a) of this subsection (5), the parties must proceed to arbitration to determine the appropriate mitigation plan. The board of arbitrators must consist of three persons: One appointed by the local government seeking to designate the increment area and one appointed by the junior taxing district, both of whom must be appointed within 60 days of the date when arbitration is requested, and a third arbitrator who must be appointed by agreement of the other two arbitrators within 90 days of the date when arbitration is requested. If the two are unable to agree on the appointment of the third arbitrator within this 90-day period, then the third arbitrator must be appointed by a judge in the superior court of the county within which the largest portion of the increment area is located. The determination by the board of arbitrators is binding on both the local government seeking to impose the increment area and the junior taxing district.

(6) The local government may reimburse the assessor and treasurer for their costs as provided in RCW 39.114.010(6)(e).

(7) Prior to the adoption of an ordinance authorizing creation of an increment area, the local government must:

(a) Hold at least two public briefings for the community solely on the tax increment project that include the description of the increment area, the public improvements proposed to be financed with the tax allocation revenues, and a detailed estimate of tax revenues for the participating local governments and taxing districts, including the amounts allocated to the increment public improvements. The briefings must be announced at least two weeks prior to the date being held, including publishing in a legal newspaper of general circulation and posting information on the local government website and all local government social media sites, and must occur no earlier than 90 days after submitting the project analysis to the office of the treasurer and all local governments and taxing districts impacted by the increment area; ~~(and)~~

(b) Submit the project analysis to all local governments and taxing districts impacted by the increment area no less than 90 days prior to the adoption of the ordinance; and

(c) Submit the project analysis to the office of the treasurer for review and consider any comments that the treasurer may provide upon completion of their review of the project analysis as provided under this subsection. The treasurer must complete the review within 90 days of receipt of the project analysis and may consult with other agencies and outside experts as necessary. Upon completing their review, the treasurer must promptly provide to the local government any comments regarding suggested revisions or enhancements to the project analysis that the treasurer deems

appropriate based on the requirements in subsection (2) of this section.

**Sec. 3.** RCW 39.114.040 and 2023 c 354 s 3 are each amended to read as follows:

The local government designating the increment area must:

(1) Provide written notice to the governing body of each taxing district within which the increment area is located a minimum of 90 days before submitting the project analysis to the office of the treasurer as required in RCW 39.114.020(7)(c).

(2) Publish notice in a legal newspaper of general circulation within the jurisdiction of the local government at least two weeks before the date on which the ordinance authorizing creation of an increment area is adopted that describes the public improvements, describes the boundaries of the increment area, and identifies the location and times where the ordinance and other public information concerning the public improvement may be inspected; and

~~((2))~~ (3) Deliver a certified copy of the adopted ordinance to the county treasurer, the county assessor, and the governing body of each taxing district within which the increment area is located at the respective addresses specified pursuant to RCW 42.56.040 within 10 days of the date on which the ordinance was adopted."

Correct the title.

Representatives Street and Orcutt spoke in favor of the adoption of the striking amendment.

The striking amendment (972) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2354.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2354, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stokesbary, Stonier, Street, Taylor, Thai,

Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Steele

Excused: Representative Chandler

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2354, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2441, by Representatives Corry, Slatter, Stokesbary, Leavitt and Jacobsen**

**Establishing a pilot program eliminating college in the high school fees for private not-for-profit four-year institutions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2441 was substituted for House Bill No. 2441 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2441 was read the second time.

With the consent of the House, amendment (1008) was withdrawn.

Representative Corry moved the adoption of amendment (1068):

On page 1, line 9, after "select" strike "three" and insert "a"

On page 1, line 10, after "four-year" strike "institutions" and insert "institution"

On page 1, at the beginning of line 11, insert "with a main campus located in Yakima county"

On page 1, line 11, after "who" strike "serve" and insert "serves"

On page 1, line 15, after "pilot" strike "institutions" and insert "institution"

On page 1, line 16, after "by" strike "a" and insert "the"

On page 2, line 1, after "(a) The" strike "three pilot institutions" and insert "pilot institution"

On page 2, line 25, after "December 31," strike "2028" and insert "2030"

Representatives Corry and Pollet spoke in favor of the adoption of the amendment.

Amendment (1068) 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 Corry and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2441.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2441, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2441, having received the necessary constitutional majority, was declared passed.

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

## SECOND READING

**HOUSE BILL NO. 2295, by Representatives Bateman, Hutchins, Riccelli, Bronoske, Reed, Orwall, Davis, Tharinger, Simmons, Callan and Macri**

**Concerning hospital at-home services.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2295 was substituted for House Bill No. 2295 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2295 was read the 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 error and Hutchins spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2295.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2295, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 2295, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2065, by Representatives Stearns, Hackney, Ramel, Simmons, Reed, Ormsby, Street, Gregerson, Doglio, Lekanoff, Fosse, Santos, Reeves and Pollet**

**Recalculating sentencing ranges for currently incarcerated individuals whose offender score was increased by juvenile convictions.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2065 was substituted for House Bill No. 2065 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2065 was read the second time.

Representative Davis moved the adoption of amendment (1057):

On page 2, line 35, after "incarcerated" insert ". A petitioner's significant disciplinary record may be overcome by a substantial period free from significant infractions that precedes the petition"

On page 3, beginning on line 4, after "determines" strike all material through "incarcerated" on line 7 and insert "there is evidence of an extraordinary adverse impact of the petitioner's release on the victim or survivors of the victim of the crime for which the petitioner is presently incarcerated, with special consideration given to the impact of release on any victims of sex offenses or domestic violence offenses committed against an intimate partner"

On page 3, line 19, after "(3)" insert "If the court denies a petition filed pursuant to this section and declines to set a hearing, or grants a hearing but declines to modify the petitioner's sentence at the hearing, the petitioner may, upon a showing of a change in circumstances, file a new petition no earlier than three years after the date the court denied the previous petition or declined to modify the petitioner's sentence, unless the court authorizes the petitioner to file a new petition at an earlier date. If the court denies the petition or declines to modify the petitioner's sentence, the court shall state the basis for its decision on the record. The petitioner may appeal the denial of a hearing or an order entered pursuant to a resentencing hearing, provided, however, that denying a petition filed pursuant to this section shall not reopen the petitioner's conviction or sentence to any other challenges that would otherwise be barred.

(4) "

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

On page 3, line 24, after "(4)" insert "Any incarcerated individual who is eligible to file a petition under this section and

unable to afford counsel is entitled to have counsel appointed, at no cost to the individual, to represent the individual for the petition and proceedings under this section, unless the individual expressly waives the right to counsel after being fully advised of this right by the court. The right to appointed counsel under this subsection does not establish a right to appointed counsel for any appeal or second or subsequent petition under this act.

(5) "

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

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

Representative Mosbrucker spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Orwall presiding) divided the House. The result was 57 - YEAS; 39 - NAYS.

Amendment (1057) 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 Stearns spoke in favor of the passage of the bill.

Representative Mosbrucker spoke against the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2065.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2065, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barnard, error, Berg, Bergquist, Berry, Bronoske, Callan, error, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Caldier, Chambers, Cheney, error, Connors, Corry, Couture, Dent, Dye, Eslick, error, Graham, Griffey, error, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Chandler

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2065, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2301, by Representatives Doglio, Fitzgibbon, Duerr, Berry, Ramel, Ormsby, Peterson, Pollet, Macri, Cortes, Shavers, Leavitt and Kloba**

**Improving the outcomes associated with waste material management systems, including products affecting organic material management systems.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2301 was substituted for House Bill No. 2301 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2301 was read the second time.

Representative Doglio moved the adoption of the striking amendment (968):

Strike everything after the enacting clause and insert the following:

**"PART 1  
INTENT**

NEW SECTION. **Sec. 101.** INTENT. (1) The legislature finds:

(a) Washington is now experiencing the effects of a climate crisis: Hotter summers with record-breaking temperatures, devastating fires, drought conditions, and rising sea levels that erode our coastlines and are causing some communities to move upland;

(b) Methane is a potent greenhouse gas and landfills are documented by the United States environmental protection agency to be the 3rd largest human-made source, with food, yard waste, and other plant-based organic material degrading in landfills to methane;

(c) Food waste is a major issue in the United States and globally, that, according to the food and agriculture organization of the United Nations, unwanted and discarded food squanders resources, including water, land, energy, labor, and capital, estimated that one-third of the food produced in the world for human consumption, about 1,300,000,000 tons, is lost or wasted every year, and the food loss and waste in industrialized countries equates to a value of approximately \$680,000,000,000;

(d) The Harvard University food law and policy clinic has estimated that 40 percent of the food supply in the United States is not eaten and that according to the United States environmental protection agency and the United States department of agriculture, food loss and waste is the single largest component of disposed municipal solid waste in the United States;

(e) In 2015, that the administrator of the United States environmental protection agency and the secretary of the United States department of agriculture announced a national goal of reducing food waste by 50 percent by the year 2030. In 2019, Washington established the same goal in RCW 70A.205.715;

(f) Compost and other products of organic material management facilities have beneficial applications and can improve soil health, water quality, and other environmental outcomes. However, in order for the products of organic material management facilities to lead to improved

environmental outcomes and for the economics of the operations of these facilities to pencil out, it is important that inbound sources of organic material waste are free of plastic contamination, pesticides, and other materials that will reduce compost quality; and

(g) Farmers, processors, retailers, and food banks in Washington are leaders in addressing this issue, and in 2022, with the enactment of chapter 180, Laws of 2022 (Engrossed Second Substitute House Bill No. 1799), Washington took significant steps towards the improvement of organic material management systems.

(2) It is the legislature's intent to provide additional tools and financial resources to build on this progress in coming years by:

(a) Creating a variety of grant programs to support food waste reduction, food rescue, and other organic material management system improvements, including grants to support the implementation of new policy requirements related to organic material management;

(b) Amending solid waste management requirements in support of improved organic material management outcomes, including through the statewide standardization of colors and labels for organic, recycling, and garbage bins, and amending the organic material management service requirements in local jurisdictions and that apply to businesses;

(c) Making changes to product degradability labeling requirements;

(d) Amending the state building code in support of organic material management; and

(e) Continuing to discuss how to maximize donations of food from generators of unwanted edible food.

(3) It is the legislature's intent for the following management option preferences to apply to the management of food under this act, including the provisions of law being amended by this act, in order of most preferred to least preferred:

(a) Prevents wasted food;

(b) Donates or upcycles food;

(c) Feeds animals or leaves food unharvested;

(d) Composts or anaerobically digests materials with beneficial use of the compost, digestate, or biosolids;

(e) Anaerobically digests materials with the disposal of digestate or biosolids, or applies material to the land; and

(f) Sends materials down the drain, to landfills, or incinerates material, with or without accompanying energy recovery.

**PART 2  
FUNDING FOR SUSTAINABLE FOOD MANAGEMENT  
PRIORITIES**

NEW SECTION. **Sec. 201.** A new section is added to chapter 70A.207 RCW to read as follows:

CENTER FOR SUSTAINABLE FOOD MANAGEMENT GRANTS. (1) The department, through the center, must develop and administer grant programs to support activities that reduce emissions from landfills and waste-to-energy facilities through the diversion of organic

materials and food waste prevention, rescue, and recovery. The department must seek stakeholder input in the design, criteria, and logistics associated with each grant program. The department must allocate grant funding across the eligible categories specified in subsection (2) of this section in a manner consistent with legislative appropriations, and that achieves the following priorities:

(a) Maximizing greenhouse gas emission reductions;

(b) Eliminating barriers to the rescue and consumption of edible food that would otherwise be wasted;

(c) Developing stable funding programs for the department to administer and stable funding opportunities for potential fund recipients to be aware of; and

(d) Preferences the following management options, in order of most preferred to least preferred:

(i) Prevents wasted food;

(ii) Donates or upcycles food;

(iii) Feeds animals or leaves food unharvested;

(iv) Composts or anaerobically digests materials with beneficial use of the compost, digestate, or biosolids;

(v) Anaerobically digests materials with the disposal of digestate or biosolids, or applies material to the land;

(vi) Sends materials down the drain, to landfills, or incinerates material, with or without accompanying energy recovery.

(2) Subject to the availability of amounts appropriated for this specific purpose, grants under this section may be awarded to the following categories of activities:

(a) Projects to prevent the surplus of unsold, uneaten food from food businesses or to standardize and improve the operating procedures associated with food donations, including efforts to standardize collection bins, provide staff training for food donors or food rescue organizations, or make other changes to increase the efficiency or efficacy of food donation procedures. Local governments, federally recognized Indian tribes and federally recognized Indian tribal government entities, nonprofit organizations, and generators of unwanted edible food are eligible applicants for grants under this subsection. Equipment and infrastructure purchases, training costs, costs associated with the development and deployment of operating protocols, and employee staff time reimbursement are eligible uses of grant funding under this subsection;

(b) (i) Projects to improve and reduce the transportation of donated foods and management of cold chains across the donated food supply chain, including through food rescue organizations. Local governments, federally recognized Indian tribes and federally recognized Indian tribal government entities, nonprofit organizations, transporters of unwanted edible food, and generators of unwanted edible food are eligible applicants for grants under this subsection. Eligible uses of grant funding under this subsection include the acquisition of vehicles, cold-storage equipment, real estate, and

technology to support donated food storage and transportation system improvements.

(ii) Grants under this subsection (2)(b) may not be used for the purchase or lease of equipment that relies on a fuel source other than electricity or the purchase or lease of vehicles other than zero-emission vehicles;

(c) (i) Grant programs to support the establishment and expansion of wasted food reduction programs to benefit vulnerable communities. This grant program must be developed in consultation with the department of health and food policy stakeholders.

(ii) Nonprofit organizations, businesses, associations, federally recognized Indian tribes and federally recognized Indian tribal government entities, and local governments are eligible to receive grants under this subsection. Eligible uses of the funds may include community food hub development projects, cold food storage capacity, refrigerated transport capacity, convenings to inform innovation in wasted food reduction in retail and food service establishments, and pilot projects to reduce wasted food. No more than 20 percent of funds allocated under this subsection (2)(c) may be awarded to a single grant recipient; and

(d) Food waste tracking and analytics pilot project grants. Local governments, federally recognized Indian tribes and federally recognized Indian tribal government entities, nonprofit organizations, transporters of unwanted edible food, and generators of unwanted edible food are eligible applicants for grants under this subsection. Eligible uses of grant funding under this subsection include staff time and technology to improve food waste prevention or improve tracking of food donations through the food supply chain and to provide data useful to enabling more efficient and effective outcomes for the provision of food available for rescue.

(3) The department may establish additional eligibility criteria or application process requirements beyond those described in subsection (2) of this section for a category or categories of activity. The department may, as a condition of the award of a grant under this section, require the reporting of information to the department regarding the outcomes of the funded activities.

(4) The department may award grants to eligible applicants meeting the minimum qualifying criteria on a competitive basis, or to applicants on a noncompetitive basis, or both. Within each category of activity described in subsection (2) of this section, the department must prioritize grant applications that benefit overburdened communities as defined in RCW 70A.02.010 as identified by the department in accordance with RCW 70A.02.050.

**NEW SECTION. Sec. 202.** A new section is added to chapter 70A.207 RCW to read as follows:

**SUSTAINABLE FOOD MANAGEMENT POLICY IMPLEMENTATION GRANTS.** (1) The department, through the center, must develop and administer grant programs to support the



implementation of the requirements of this act and chapter 180, Laws of 2022, with priority given to grants that support the implementation of RCW 70A.205.540 and 70A.205.545. Eligible recipients of grants under this section may include businesses that are subject to organic material management requirements, local governments, federally recognized Indian tribes and federally recognized Indian tribal government entities, nonprofit organizations, or organic material management facilities. Eligible expenses by grant recipients include education, outreach, technical assistance, indoor and outdoor infrastructure, transportation and processing infrastructure, and enforcement costs.

(2) The department may not require, as a condition of financial assistance under this section, that matching funds be made available by a local government recipient. The department must provide assistance to each local government that demonstrates eligibility for grant assistance under this section.

**Sec. 203.** RCW 70A.207.020 and 2022 c 180 s 402 are each amended to read as follows:

CENTER FOR SUSTAINABLE FOOD MANAGEMENT DUTIES. (1) The Washington center for sustainable food management is established within the department (~~(, to begin operations by January 1, 2024)~~).

(2) The purpose of the center is to help coordinate statewide food waste reduction.

(3) The center may perform the following activities:

(a) Coordinate the implementation of the plan;

(b) Draft plan updates and measure progress towards actions, strategies, and the statewide goals established in RCW 70A.205.007 and 70A.205.715(1);

(c) Maintain a website with current food waste reduction information and guidance for food service establishments, consumers, food processors, hunger relief organizations, and other sources of food waste;

(d) Provide staff support to multistate food waste reduction initiatives in which the state is participating;

(e) Maintain the consistency of the plan and other food waste reduction activities with the work of the Washington state conservation commission's food policy forum;

(f) Facilitate and coordinate public-private and nonprofit partnerships focused on food waste reduction, including through voluntary working groups;

(g) Collaborate with federal, state, and local government partners on food waste reduction initiatives;

(h) Develop and maintain maps or lists of locations of the food systems of Washington that identify food flows, where waste occurs, and opportunities to prevent food waste;

(i) (i) Collect and maintain data on food waste and wasted food in a manner that is generally consistent with the methods of collecting and maintaining such data used by federal agencies or in other jurisdictions, or both, to the greatest extent practicable;

(ii) Develop measurement methodologies and tools to uniformly track food donation data, food waste prevention data, and associated climate impacts resultant from food waste reduction efforts;

(j) Research and develop emerging organic materials and food waste reduction markets;

(k) (i) Develop and maintain statewide food waste reduction and food waste contamination reduction campaigns, in consultation with other state agencies and other stakeholders, including the development of waste prevention and food waste recovery promotional materials for distribution. These promotional materials may include online information, newsletters, bulletins, or handouts that inform food service establishment operators about the protections from civil and criminal liability under federal law and under RCW 69.80.031 when donating food; and

(ii) Develop guidance to support the distribution of promotional materials, including distribution by:

(A) Local health officers, at no cost to regulated food service establishments, including as part of normal, routine inspections of food service establishments; and

(B) State agencies, including the department of health and the department of agriculture, in conjunction with their statutory roles and responsibilities in regulating, monitoring, and supporting safe food supply chains and systems;

(1) Distribute and monitor grants dedicated to food waste prevention, rescue, and recovery, which must include the programs described in sections 201 and 202 of this act; ((and))

(m) Provide staff support to the work group created in section 702 of this act; and

(n) Research and provide education, outreach, and technical assistance to local governments in support of the adoption of solid waste ordinances or policies that establish a financial disincentive for the generation of organic waste and for the ultimate disposal of organic materials in landfills.

(4) The department may enter into an interagency agreement with the department of health, the department of agriculture, or other state agencies as necessary to fulfill the responsibilities of the center.

(5) The department may adopt any rules necessary to implement this chapter including, but not limited to, measures for the center's performance.

**NEW SECTION. Sec. 204.** A new section is added to chapter 43.23 RCW to read as follows:

WASHINGTON COMMODITIES DONATION GRANT PROGRAM. (1) The department must implement the Washington commodities donation grant program established in this section. The purpose of the program is to procure Washington grown produce, grains, and protein otherwise at risk of ending up as food waste for distribution to hunger relief organizations for use in Washington state.

(2) The program established in this section must, to the extent practicable:

(a) Rely upon existing infrastructure and similar grant programs currently being implemented in Washington, in order to maximize the beneficial impacts of the program in the short-term, and to expeditiously enable the distribution of grants under this section;

(b) Be designed to achieve efficiencies of scale by the grant recipients carrying out food acquisitions and distributions and to target large volume food acquisition opportunities;

(c) Give priority to recipient organizations that have at least five years of experience coordinating the collection and transportation of donated agricultural products to food bank distributors, food bank distribution centers, or both, for redistribution to local hunger relief agencies; and

(d) Provide for equitable benefits experienced from the program by food producers of varying sizes and types, including minority and vulnerable farmers, including veterans, women, and federally recognized Indian tribes.

(3) The department must issue grants under this section to one or more nonprofit organizations to acquire food directly from food producers located in Washington. A recipient nonprofit organization may use funds under this section to compensate food producers donating commodities for pick and pack out costs incurred associated with the production of a food product, including costs of food product inputs and harvest, and for their marginal postharvest logistical and administrative costs that facilitate the acquisition and distribution of the food product by grant recipients.

(4) An organization that receives funds under this section must report the results of the project to the department in a manner prescribed by the department.

(5) It is the intent of the legislature to consistently and sustainably allocate at least \$25,000,000 per biennium, continuing over multiple biennia, to the program established in this section.

**Sec. 205.** RCW 70A.214.100 and 2008 c 178 s 1 are each amended to read as follows:

WASTE NOT WASHINGTON AWARDS. (1) The office of waste reduction shall develop, in consultation with the superintendent of public instruction, an awards program to achieve waste reduction and recycling in public schools, and to encourage waste reduction and recycling in private schools, grades kindergarten through high school. The office shall develop guidelines for program development and implementation. Each public school shall, and each private school may, implement a waste reduction and recycling program conforming to guidelines developed by the office.

(2) For the purpose of granting awards, the office may group all participating schools into not more than three classes, based upon student population, distance to markets for recyclable materials, and other criteria, as deemed appropriate by the office. Except as otherwise provided, five or more awards may be granted to each of the three classes. Each award shall be no more

than ~~((five thousand dollars))~~ \$5,000 until 2026, and no more than \$10,000 beginning January 1, 2026. Awards shall be granted each year to the schools that achieve the greatest levels of waste reduction and recycling. A single award of not less than ~~((five thousand dollars))~~ \$5,000 until 2026 or \$10,000 beginning in 2026 may be presented to the school having the best recycling program as measured by the total amount of materials recycled, including materials generated outside of the school. A single award of not less than ~~((five thousand dollars))~~ \$5,000 until 2026 or \$10,000 beginning in 2026 may be presented to the school having the best waste reduction program as determined by the office. It is the intent of the legislature to consistently and sustainably allocate at least \$1,000,000 per biennium, continuing over multiple biennia and starting in calendar year 2026, to the awards program established in this section.

(3) The superintendent of public instruction shall distribute guidelines and other materials developed by the office to implement programs to reduce and recycle waste generated in administrative offices, classrooms, laboratories, cafeterias, and maintenance operations.

### PART 3 AMENDMENTS TO SOLID WASTE LAWS

**Sec. 301.** RCW 70A.205.540 and 2022 c 180 s 102 are each amended to read as follows:

MANDATED ORGANICS MANAGEMENT. (1) ~~((Beginning January 1, 2027, in))~~ Except as provided in subsection (3) of this section, in each jurisdiction that implements a local solid waste plan under RCW 70A.205.040:

(a) ~~((Source-separated))~~ Beginning April 1, 2027, source-separated organic solid waste collection services ~~((must))~~ are required to be provided ~~((at least every other week or at least 26 weeks annually))~~ year-round to:

(i) All residents; and  
(ii) Nonresidential customers that generate more than .25 cubic yards per week of organic materials for management; ~~((and))~~

(b)(i) The department may, by waiver, reduce the collection frequency requirements in (a) of this subsection for the collection of dehydrated food waste or to address food waste managed through other circumstances or technologies that will reduce the volume or odor, or both, of collected food waste.

(ii) All organic solid waste collected from residents and businesses under ~~((a) of)~~ this subsection must be managed through organic materials management;

(c) Beginning April 1, 2030, the source-separated organic solid waste collection services specified in (a) of this subsection must be provided to customers on a nonelective basis, except that a jurisdiction may grant an exemption to a customer that certifies to the jurisdiction that the customer is managing organic material waste on-site or self-hauling its own organic material waste for organic materials management;

(d) Beginning April 1, 2030, each jurisdiction's source-separated organic solid waste collection service must include the acceptance of food waste year-round. The jurisdiction may choose to collect food waste source-separated from other organic materials or may collect food waste commingled with other organic materials; and

(e) Beginning April 1, 2030, all persons, when using curbside collection for disposal, may use only source-separated organic solid waste collection services to discard unwanted organic materials. By January 1, 2027, the department must adopt standards under which local jurisdictions may exempt persons from this requirement if organic materials will be managed through an alternative mechanism that provides equal or better environmental outcomes. Nothing in this section precludes the ability of a person to use on-site composting, the diversion of organic materials to animal feed, self-haul organic materials to a facility, or other means of beneficially managing unwanted organic materials.

(2) A jurisdiction may charge and collect fees or rates for the services provided under subsection (1) of this section, consistent with the jurisdiction's authority to impose fees and rates under chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

(3) (a) Except as provided in (d) of this subsection, the requirements of this section do not apply in a jurisdiction if the department determines that the following apply:

(i) The jurisdiction disposed of less than 5,000 tons of solid waste in the most recent year for which data is available; or

(ii) The jurisdiction has a total population of less than 25,000 people (~~(+ or~~

~~(iii) The jurisdiction has a total population between 25,000 and 50,000 people and curbside organic solid waste collection services are not offered in any area within the jurisdiction, as of July 1, 2022)).~~

(b) The requirements of this section do not apply:

(i) In census tracts that have a population density of less than 75 people per square mile that are serviced by the jurisdiction and located in unincorporated portions of a county, as determined by the department, in counties not planning under chapter 36.70A RCW; (~~and~~)

(ii) In census tracts that have a population density of greater than 75 people per square mile, where the census tract includes jurisdictions that meet any of the conditions in (a)(i) and (ii) of this subsection, that are serviced by the jurisdiction and located in unincorporated portions of a county, as determined by the department, in counties not planning under chapter 36.70A RCW;

(iii) Outside of urban growth areas designated pursuant to RCW 36.70A.110 in unincorporated portions of a county planning under chapter 36.70A RCW;

(iv) Inside of unincorporated urban growth areas for jurisdictions planning under chapter 36.70A RCW that meet any of the conditions in (a)(i) and (ii) of this subsection; and

(v) In unincorporated urban growth areas in counties with an unincorporated population of less than 25,000 people.

(c) In addition to the exemptions in (a) and (b) of this subsection, the department may issue a renewable waiver to jurisdictions or portions of a jurisdiction under this subsection for up to five years, based on consideration of factors including the distance to organic materials management facilities, the sufficiency of the capacity to manage organic materials at facilities to which organic materials could feasibly and economically be delivered from the jurisdiction, and restrictions in the transport of organic materials under chapter 17.24 RCW. The department may adopt rules to specify the type of information that a waiver applicant must submit to the department and to specify the department's process for reviewing and approving waiver applications.

(d) Beginning January 1, 2030, the department may adopt a rule to require that the provisions of this section apply in the jurisdictions identified in (b) and (c) of this subsection, but only if the department determines that the goals established in RCW 70A.205.007(1) have not or will not be achieved.

(4) Any city that newly begins implementing an independent solid waste plan under RCW 70A.205.040 after July 1, 2022, must meet the requirements of subsection (1) of this section.

(5) Nothing in this section affects the authority or duties of the department of agriculture related to pest and noxious weed control and quarantine measures under chapter 17.24 RCW.

(6) No penalty may be assessed on an individual or resident for the improper disposal of organic materials under subsection (1) of this section in a noncommercial or residential setting.

**Sec. 302.** RCW 70A.205.545 and 2022 c 180 s 201 are each amended to read as follows:

BUSINESS DIVERSION. (1)(a) Beginning July 1, 2023, and each July 1st thereafter, the department must determine which counties and any cities preparing independent solid waste management plans:

(i) Provide for businesses to be serviced by providers that collect food waste and organic material waste for delivery to solid waste facilities that provide for the organic materials management of organic material waste and food waste; and

(ii) Are serviced by solid waste facilities that provide for the organic materials management of organic material waste and food waste and have year-round capacity to process and are willing to accept increased volumes of organic materials deliveries.

(b)(i) The department must determine and designate that the restrictions of this section apply to businesses in a jurisdiction unless the department determines that the businesses in some or all portions of the city or county have:

(A) No available businesses that collect and deliver organic materials to solid waste

facilities that provide for the organic materials management of organic material waste and food waste; or

(B) No available capacity at the solid waste facilities to which businesses that collect and deliver organic materials could feasibly and economically deliver organic materials from the jurisdiction.

(ii)(A) In the event that a county or city provides a written ~~((notification))~~ request and supporting evidence to the department ~~((indicating))~~ determining that the criteria of (b)(i)(A) of this subsection are met, and the department confirms this determination, then the restrictions of this section apply only in those portions of the jurisdiction that have available service-providing businesses.

(B) In the event that a county or city provides a written ~~((notification))~~ request and supporting evidence to the department ~~((indicating))~~ determining that the criteria of (b)(i)(B) of this subsection are met, and the department confirms this determination, then the restrictions of this section do not apply to the jurisdiction.

(c) The department must make the result of the annual determinations required under this section available on its website.

(d) The requirements of this section may be enforced by jurisdictional health departments consistent with this chapter, except that:

(i) A jurisdictional health department may not charge a fee to permit holders to cover the costs of the jurisdictional health department's administration or enforcement of the requirements of this section; and

(ii) Prior to issuing a penalty under this section, a jurisdictional health department must provide at least two written notices of noncompliance with the requirements of this section to the owner or operator of a business subject to the requirements of this section.

(2)(a)(i) Beginning January 1, 2024, a business that generates at least eight cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste;

(ii) Beginning January 1, 2025, a business that generates at least four cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste; and

(iii) Beginning January 1, 2026, a business that generates at least ~~((four cubic yards of solid))~~ 96 gallons of organic material waste per week shall arrange for organic materials management services specifically for organic material waste, unless the department determines, by rule, that additional reductions in the landfilling of organic materials would be more appropriately and effectively achieved, at reasonable cost to regulated businesses, through the establishment of a different volumetric threshold of ~~((solid waste or))~~ organic waste material ~~((waste))~~ than the threshold of ~~((four cubic yards of solid))~~ 96 gallons of organic material waste per week.

(b) The following wastes do not count for purposes of determining waste volumes in (a) of this subsection:

(i) Wastes that are managed on-site by the generating business;

(ii) Wastes generated from the growth and harvest of food or fiber that are managed off-site by another business engaged in the growth and harvest of food or fiber;

(iii) Wastes that are managed by a business that enters into a voluntary agreement to sell or donate organic materials to another business for off-site use; ~~((and))~~

(iv) Wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event; and

(v) Wastes generated as a result of a food safety event, such as a product recall, that is due to foreign material or adverse biological activity that requires landfill destruction rather than organic material management.

(3) A business may fulfill the requirements of this section by:

(a) Source separating organic material waste from other waste, subscribing to a service that includes organic material waste collection and organic materials management, and using such a service for organic material waste generated by the business;

(b) Managing its organic material waste on-site or self-hauling its own organic material waste for organic materials management;

(c) Qualifying for exclusion from the requirements of this section consistent with subsection (1)(b) of this section; or

(d) For a business engaged in the growth, harvest, or processing of food or fiber, entering into a voluntary agreement to sell or donate organic materials to another business for off-site use.

(4)(a) A business generating organic material waste shall arrange for any services required by this section in a manner that is consistent with state and local laws and requirements applicable to the collection, handling, or recycling of solid and organic material waste.

(b) Nothing in this section requires a business to dispose of materials in a manner that conflicts with federal or state public health or safety requirements. Nothing in this section requires businesses to dispose of wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event through the options established in subsection (3) of this section. Nothing in this section prohibits a business from disposing of nonfood organic materials that are not commingled with food waste by using the services of an organic materials management facility that does not accept food waste.

(5) When arranging for gardening or landscaping services, the contract or work agreement between a business subject to this section and a gardening or landscaping service must require that the organic material waste generated by those services be managed in compliance with this chapter.

(6)(a) This section does not limit the authority of a local governmental agency to adopt, implement, or enforce a local organic

material waste recycling requirement, or a condition imposed upon a self-hauler, that is more stringent or comprehensive than the requirements of this chapter.

(b) This section does not modify, limit, or abrogate in any manner any of the following:

(i) A franchise granted or extended by a city, county, city and county, or other local governmental agency;

(ii) A contract, license, certificate, or permit to collect solid waste previously granted or extended by a city, county, city and county, or other local governmental agency;

(iii) The right of a business to sell or donate its organic materials; and

(iv) A certificate of convenience and necessity issued to a solid waste collection company under chapter 81.77 RCW.

(c) Nothing in this section modifies, limits, or abrogates the authority of a local jurisdiction with respect to land use, zoning, or facility siting decisions by or within that local jurisdiction.

(d) Nothing in this section changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this section change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

(7) The definitions in this subsection apply throughout this section unless the context clearly indicates otherwise.

(a)(i) "Business" means a commercial or public entity including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity.

(ii) "Business" does not include a multifamily residential entity.

(b) "Food waste" has the same meaning as defined in RCW 70A.205.715.

**NEW SECTION. Sec. 303.** A new section is added to chapter 70A.205 RCW to read as follows:

**BIN COLORS.** (1) Except as provided in (a) and (b) of this subsection, the requirements of this section apply to containers purchased on or after July 1, 2026.

(a) A jurisdiction or solid waste collection company is not required to replace functional containers with a volume of less than one cubic yard or a plastic container of any size, including containers purchased prior to July 1, 2026, that do not comply with the color requirements of this section prior to the end of the useful life of those containers or prior to January 1, 2036, whichever comes first.

(b) A jurisdiction or solid waste collection company is not required to replace functional nonplastic containers with a volume of at least one cubic yard that existed and were in service as of July 1, 2026. However, a functional nonplastic container that existed as of July 1, 2026, must be repainted in a manner that matches the appropriate color requirements of this section on the earlier of:

(i) When it is next repainted; or

(ii)(A) By January 1, 2030, for collection containers owned by a person other than a jurisdiction that undertakes solid waste collection; or

(B) At the end of the useful life of the container owned by a jurisdiction that undertakes solid waste collection, or upon the distribution of sufficient funds under section 202 of this act to the jurisdiction to cover applicable container repainting costs of the jurisdiction.

(2) In each jurisdiction planning under this chapter, indoor or outdoor containers provided for collection services, including multifamily, commercial, government and other public places, institutional, and curbside residential collection services must be provided in a color-coded manner consistent with the requirements of this section in order to reduce contamination:

(a)(i) In a jurisdiction where source-separated recyclable materials and source-separated organic materials are collected separately, a gray or black container may be used only for the collection of solid waste that is not a source-separated recyclable material or a source-separated organic material;

(ii) In a jurisdiction where source-separated recyclable materials or organic materials are not collected separately, a gray or black container may be used for any solid waste, including organic material or recyclable material that is not separately collected in the jurisdiction.

(b) A blue container may be used only for source-separated recyclable materials. The contents of the blue container must be transported to a facility that recovered the materials designated for collection in the blue container.

(c) A green or brown container may be used only for source-separated organic materials and must be transported, directly or indirectly, to an organic materials management facility.

(d) A color other than green, brown, blue, black, or gray may be used only in accordance with any rules adopted by the department.

(e) By rule, the department may determine the appropriate container or containers to be used for materials that could conceivably be placed in multiple containers specified in (a) through (d) of this subsection.

(f) The color-coding requirements for solid waste collection containers under this section do not apply to containers with a volume of at least 10 cubic yards that:

(i) Are used on a temporary basis by multiple customers of a jurisdiction or solid waste collection company; and

(ii) Are alternately used for temporary periods for multiple types of solid waste depending on the specific needs of the customer.

(3) By January 1, 2025, all containers for collection services must bear a clear and conspicuous label on each container or lid specifying what materials are allowed to be placed in each container. The requirements of this subsection may be satisfied by:

(a) A label placed on a container that includes either language or graphic images,

or both, that indicate the primary materials accepted and the primary materials prohibited in that container; or

(b) Imprinted text or graphic images that indicate the primary materials accepted and the primary materials prohibited in that container.

(4) The department may provide model labeling text and graphic images for optional use by local governments and solid waste collection companies that meets the requirements of this section.

(5) A jurisdiction or solid waste collection company may comply with the requirements of this section by providing a container or containers that are split or divided into segregated sections, instead of an entire container, as long as the lids of the separate sections of a split container comply with the container color requirements and material limitations specified in this section.

(6) Carpets, noncompostable paper, and hazardous wood waste may not be collected in a green or brown container. Hazardous wood waste may not be collected in a blue container. The department may adopt rules to prohibit additional waste stream contaminants from being placed in a green or brown container or a blue container.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) (i) "Blue container" means:

(A) A container with a volume of less than one cubic yard where the body of the container is blue in color and the lid is blue in color; and

(B) A container with a volume of at least one cubic yard where the body of the container is blue in color and the lid is blue or black in color.

(ii) Hardware, such as hinges and wheels on a blue container, may be any color.

(iii) Unless a local government implementing a solid waste plan under this chapter requires uniform blue painting of the entire container, the body of a blue container may contain an area, on one side of the container, composed of any color measuring no more than two feet by two feet to display any combination of the name, logo, or branding of the container owner, solid waste collection company, or government entity associated with the container.

(b) (i) "Green or brown container" means:

(A) A container with a volume of less than one cubic yard where the body of the container is green or brown in color and the lid is green or brown in color; and

(B) A container with a volume of at least one cubic yard where the body of the container is green or brown in color and the lid is green, brown, or black in color.

(ii) Hardware, such as hinges and wheels on a green or brown container, may be any color.

(iii) Unless a local government implementing a solid waste plan under this chapter requires uniform green or brown painting of the entire container, the body of a green or brown container may contain an area, on one side of the container, composed of any color measuring no more than two feet by two feet to display any combination of

the name, logo, or branding of the container owner, solid waste collection company, or government entity associated with the container.

(c) (i) "Gray or black container" means:

(A) A container with a volume of less than one cubic yard where the body of the container is entirely gray or black in color and the lid is gray or black in color; and

(B) A container with a volume of at least one cubic yard where the body of the container is gray or black in color and the lid is gray or black in color.

(ii) Hardware, such as hinges and wheels, on a gray or black container may be any color.

(iii) Unless a local government implementing a solid waste plan under this chapter requires uniform gray or black painting of an entire container, the body of a gray or black container may contain an area, on one side of the container, composed of any color measuring no more than two feet by two feet to display any combination of the name, logo, or branding of the container owner, solid waste collection company, or government entity associated with the container.

(iv) A galvanized metal container that is unpainted and gray or silver in appearance is considered to be a gray container for purposes of this section.

**PART 4  
STATUS ASSESSMENT OF PRODUCE STICKER  
TECHNOLOGIES**

**NEW SECTION. Sec. 401. STATUS  
ASSESSMENT OF PRODUCE STICKER TECHNOLOGIES.**

(1) The department of ecology, in consultation with the department of agriculture, must carry out a study and submit a brief summary report to the legislature by September 1, 2025, addressing the status of produce sticker technologies, including produce sticker options that do not contain plastic stickers or adhesives or that otherwise meet compostability standards.

(2) The study required under this section must, at minimum, compare and consider the following features of produce stickers and adhesives:

(a) Compostability, including toxic or hazardous substance content;

(b) Performance;

(c) Printability; and

(d) Cost.

(3) In carrying out the study, input and information must be solicited and evaluated from:

(a) Produce producers and packers;

(b) Sticker and adhesive producers;

(c) Other states, countries, or subnational jurisdictions that have adopted standards restricting plastic produce stickers; and

(d) Other technical experts.

**PART 5  
PRODUCT DEGRADABILITY RESTRICTIONS**

**Sec. 501.** RCW 70A.455.040 and 2022 c 180 s 803 are each amended to read as follows:

FIBER-BASED SUBSTRATES. (1) A product labeled as "compostable" that is sold, offered for sale, or distributed for use in Washington by a producer must:

(a) Meet ASTM standard specification D6400;

(b) Meet ASTM standard specification D6868; or

(c) Be comprised only of wood, which includes renewable wood, or a fiber-based substrate (~~(only)~~)that contains:

(i) Greater than 99 percent fiber by weight; and

(ii) No plastic or polymer wax additives or plastic or wax coatings or adhesives that do not meet ASTM standard specification D6868.

(2) A product described in subsection (1) (a) or (b) of this section must:

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

(b) Feature labeling that:

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

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

(iii) 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; and

(iv) Uses green, beige, or brown labeling, color striping, or other green, beige, or brown symbols, colors, tinting, marks, or design patterns that help differentiate compostable items from noncompostable items.

**Sec. 502.** RCW 70A.455.070 and 2022 c 180 s 806 are each amended to read as follows:

FILM TINTING. (1) A producer of plastic film bags sold, offered for sale, or distributed for use in Washington that does not meet the applicable ASTM standard specifications provided in RCW 70A.455.050 is:

(a) Prohibited from using tinting, color schemes, labeling, or terms that are required of products that meet the applicable ASTM standard specifications under RCW 70A.455.050;

(b) Discouraged from using labeling, images, and terms that may reasonably be anticipated to confuse consumers into believing that noncompostable products are compostable; and

(c) Encouraged to use labeling, images, and terms to help consumers identify noncompostable bags as either: (i) Suitable for recycling; or (ii) necessary to dispose as waste.

(2) A producer of food service products, or plastic film products other than plastic film bags subject to subsection (1) of this section, sold, offered for sale, or distributed for use in Washington that does

not meet the applicable ASTM standard specifications provided in RCW 70A.455.060 is:

(a) Prohibited from using labeling, or terms that are required of products that meet the applicable ASTM standard specifications under RCW 70A.455.060;

(b) Discouraged from using labeling, images, and terms that may reasonably be anticipated to confuse consumers into believing that noncompostable products are compostable; and

(c) Encouraged to use tinting, coloration, labeling, images, and terms to help consumers identify film products and food service packaging as either: (i) Suitable for recycling; or (ii) necessary to dispose as waste.

(3) For the purposes of this section only:

(a) "Tinting" means the addition of color to a film, usually by means of dye or stain, that filters light and makes the film appear a certain color; and

(b)(i) The prohibition in subsection (1) (a) of this section on "color schemes" on plastic film bags does not preclude the use of:

(A) Green, brown, or beige stripes that are smaller than .25 inch wide and used as visual aids; and

(B) Green, brown, or beige lettering or logos that are used solely for brand identity purposes.

(ii) The prohibition in subsection (1)(a) of this section on color schemes on plastic film bags does prohibit the use of botanical motifs, such as leaves or vines that are colored green, brown, or beige, or any combination of these colors or shapes.

**NEW SECTION. Sec. 503.** A new section is added to chapter 70A.455 RCW to read as follows:

HOME COMPOSTABLE LABELING. A producer may only label a product as being "home compostable" if:

(1) The product has been tested and meets ASTM standards D6400 or D6868 for industrial composting settings;

(2) A third-party certifier has verified that the product meets ASTM standards for industrial composting;

(3) The product is otherwise labeled in a manner consistent with the requirements of this chapter, including RCW 70A.455.030, 70A.455.040, or 70A.455.050, as appropriate;

(4) The product is not labeled "home compostable only" or in a manner that otherwise implies that the product is not capable of being composted in industrial compost settings; and

(5) The producer has valid and reproducible scientific evidence to support their claim that a product is home compostable, consistent with federal trade commission guidelines.

**Sec. 504.** RCW 70A.455.090 and 2022 c 180 s 808 are each amended to read as follows:

CONCURRENT ENFORCEMENT OF DEGRADABILITY LABELING REQUIREMENTS BY CITIES AND COUNTIES. (1)(a) The department and cities and counties have concurrent authority to

enforce this chapter and to issue and collect civil penalties for a violation of this chapter, subject to the conditions in this section and RCW 70A.455.100. An enforcing government entity may impose a civil penalty in the amount of up to \$2,000 for the first violation of this chapter, up to \$5,000 for the second violation of this chapter, and up to \$10,000 for the third and any subsequent violation of this chapter. If a producer 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.

(b) The enforcement of this chapter must be based primarily on complaints filed with the department and cities and counties. The department must establish a forum for the filing of complaints. Cities, counties, or any person may file complaints with the department using the forum, and cities and counties may review complaints filed with the department via the forum. The forum established by the department may include a complaint form on the department's website, a telephone hotline, or a public outreach strategy relying upon electronic social media to receive complaints that allege violations. The department, in collaboration with the cities and counties, must provide education and outreach activities to inform retail establishments, consumers, and producers about the requirements of this chapter.

(c) A city or county that chooses to enforce the requirements of this chapter within their jurisdiction must notify the department with a letter of intent that includes:

(i) The start and any end date of the local jurisdiction's enforcement activities;

(ii) The geographic boundaries within which the enforcement activities are planned; and

(iii) Any technical assistance, education, or enforcement tools that the city or county would like to request from the department in support of local enforcement activities.

(2) Penalties issued by the department are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(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 city or county may recover reasonable enforcement costs and attorneys' fees from the liable producer.

## **PART 6 COMPOST PURCHASES**

**Sec. 601.** RCW 15.04.420 and 2022 c 180 s 502 are each amended to read as follows:

COMPOST REIMBURSEMENT PROGRAM ELIGIBILITY AMENDMENT. (1)(a) Subject to the availability of amounts appropriated for this specific purpose, the department must

establish and implement a compost reimbursement program to reimburse farming operations in the state for purchasing and using compost products that were not generated by the farming operation, including transportation, spreading equipment, labor, fuel, and maintenance costs associated with spreading equipment. The grant reimbursements under the program begin July 1, 2023.

(b) For the purposes of this program, "farming operation" means: A commercial agricultural, silvicultural, or aquacultural facility or pursuit, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.

(2) To be eligible to participate in the reimbursement program, a farming operation must complete an eligibility review with the department prior to transporting or applying any compost products for which reimbursement is sought under this section. The purpose of the review is for the department to ensure that the proposed transport and application of compost products is consistent with the department's agricultural pest control rules established under chapter 17.24 RCW. A farming operation must also verify that it will allow soil sampling to be conducted by the department upon request before compost application and until at least 10 years after the last grant funding is used by the farming operation, as necessary to establish a baseline of soil quality and carbon storage and for subsequent department evaluations to assist the department's reporting requirements under subsection (8) of this section.

(3) The department must create a form for eligible farming operations to apply for cost reimbursement for costs from purchasing and using compost from facilities with solid waste handling permits or that are permit exempt, including transportation, equipment, spreading, and labor costs. Compost must meet the applicable requirements for compost established by the department of ecology under chapter 70A.205 RCW. The department must prioritize applicants who purchase and use compost containing food waste feedstocks, where it is practicable for the applicant to purchase and use compost containing food waste feedstocks. All applications for cost reimbursement must be submitted on the form along with invoices, receipts, or other documentation acceptable to the department of the costs of purchasing and using compost products for which the applicant is requesting reimbursement, as well as a brief description of what each purchased item will be used for. The department may request that an applicant provide information to verify the source, size, sale weight, or amount of compost products purchased and the cost of transportation, equipment, spreading, and labor. The applicant must also declare that it is not seeking reimbursement for purchase or labor costs for:

(a) Its own compost products; or



(b) Compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation.

(4) A farming operation may submit only one application per fiscal year in which the program is in effect for purchases made and usage costs incurred during the fiscal year that begins on July 1st and ends on June 30th. Applications for reimbursement must be filed before the end of the fiscal year in which purchases were made and usage costs incurred.

(5) The department must distribute reimbursement funds, subject to the following limitations:

(a) A farming operation is not eligible to receive reimbursement if the farming operation's application was not found eligible for reimbursement by the department under subsection (2) of this section prior to the transport or use of compost;

(b) A farming operation is not eligible to receive reimbursement for more than 50 percent of the costs it incurs each fiscal year for the purchase and use of compost products, including transportation, equipment, spreading, and labor costs;

(c) ~~((A farming operation is not eligible to receive more than \$10,000 per fiscal year))~~ The department must attempt to achieve fair distribution of reimbursement funding across different farm size categories, based on acreage categories determined by the department, and which is not to exceed a maximum of \$20,000 per fiscal year for the largest farming operation category determined by the department;

(d) A farming operation is not eligible to receive reimbursement for its own compost products or compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation; and

(e) A farming operation is not eligible to receive reimbursement for compost products that were not purchased from a facility with a solid waste handling permit or a permit-exempt facility.

(6) The applicant shall indemnify and hold harmless the state and its officers, agents, and employees from all claims arising out of or resulting from the compost products purchased that are subject to the compost reimbursement program under this section.

(7) There is established within the department a compost reimbursement program manager position. The compost reimbursement program manager must possess knowledge and expertise in the area of program management necessary to carry out the duties of the position, which are to:

(a) Facilitate the division and distribution of available costs for reimbursement; and

(b) Manage the day-to-day coordination of the compost reimbursement program.

(8) In compliance with RCW 43.01.036, the department must submit an annual report to the appropriate committees of the legislature by January 15th of each year of the program in which grants have been issued or completed. The report must include:

(a) The amount of compost for which reimbursement was sought under the program;

(b) The qualitative or quantitative effects of the program on soil quality and carbon storage; and

(c) A periodically updated evaluation of the benefits and costs to the state of expanding or furthering the strategies promoted in the program.

**Sec. 602.** RCW 43.19A.150 and 2022 c 180 s 701 are each amended to read as follows:

COMPOST PROCUREMENT REPORTING AMENDMENT.

(1) By January 1, 2023, the following cities or counties shall adopt a compost procurement ordinance to implement RCW 43.19A.120:

(a) Each city or county with a population greater than 25,000 residents as measured by the office of financial management using the most recent population data available; and

(b) Each city or county in which organic material collection services are provided under chapter 70A.205 RCW.

(2) A city or county that newly exceeds a population of 25,000 residents after January 1, 2023, as measured by the office of financial management, must adopt an ordinance under this subsection no later than 12 months after the office of financial management's determination that the local government's population has exceeded 25,000.

(3) In developing a compost procurement ordinance, each city and county shall plan for the use of compost in the following categories:

(a) Landscaping projects;

(b) Construction and postconstruction soil amendments;

(c) Applications to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways; and

(d) Low-impact development and green infrastructure to filter pollutants or keep water on-site, or both.

(4) Each city or county that adopts an ordinance under subsection (1) or (2) of this section must develop strategies to inform residents about the value of compost and how the jurisdiction uses compost in its operations in the jurisdiction's comprehensive solid waste management plan pursuant to RCW 70A.205.045.

(5) By ~~((December))~~ March 31, ~~((2024))~~ 2025, and each ~~((December))~~ March 31st ~~((of even-numbered years))~~ thereafter, each city or county that adopts an ordinance under subsection (1) or (2) of this section must submit a report covering the previous year's compost procurement activities to the department of ecology that contains the following information:

(a) The total tons of organic material diverted throughout the year and the facility or facilities used for processing;

(b) The volume and cost of compost purchased throughout the year; and

(c) The source or sources of the compost.

(6) Cities and counties that are required to adopt an ordinance under subsection (1) or (2) of this section shall give priority to purchasing compost products from companies that produce compost products locally, are certified by a nationally recognized organization, and produce compost

products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards adopted by the department of transportation or adopted by rule by the department of ecology.

(7) Cities and counties may enter into collective purchasing agreements if doing so is more cost-effective or efficient.

(8) Nothing in this section requires a compost processor to:

(a) Enter into a purchasing agreement with a city or county;

(b) Sell finished compost to meet this requirement; or

(c) Accept or process food waste or compostable products.

**PART 7  
MISCELLANEOUS**

NEW SECTION. **Sec. 701.** A new section is added to chapter 19.27 RCW to read as follows:

STATE BUILDING CODE COUNCIL AMENDMENT. The governing body of each county or city is authorized to amend requirements in the state building code, as it applies within the jurisdiction of the county or city, that apply to providing for the storage of solid waste by requiring multifamily residential buildings to:

(1) Provide adequate space for the colocation of organic material waste and recycling collection containers with garbage containers, or in the absence of colocation, requiring the posting of signage notifying residents of where organic material waste and recycling containers are located;

(2) Identify organic material waste collection containers with appropriate and accurate signage and color to differentiate between organic material waste, recycling, and garbage collection containers; and

(3) Distribute annual waste sorting educational materials to all residents.

NEW SECTION. **Sec. 702.** WORK GROUP TO STUDY FOOD DONATION BY BUSINESSES. (1) The department of ecology's center for sustainable food management created in chapter 70A.207 RCW must convene a work group to address mechanisms to improve the rescue of edible food waste from commercial generators, including food service, retail establishments, and processors that generate excess supply of edible food. The work group must consider:

(a) Logistics to phase in edible food donation programs, including incentives;

(b) The food recovery network systems necessary to support increased donation of edible food by commercial generators;

(c) Assess asset gaps and food infrastructure development needs. The work group must also facilitate the creation of networks and partnerships to address gaps and needs and develop innovative partnerships and models where appropriate; and

(d) Actions taken, costs, and lessons learned by other jurisdictions in the United States that have enacted policies focused on reducing edible commercially generated food

waste and from voluntary pilot projects carried out by commercial generators of food waste.

(2) The department of ecology must submit a report to the legislature by September 1, 2025, containing the recommendations of the work group. The work group shall make recommendations using consensus-based decision making. All meetings of the work group must be carried out in a virtual-only format. The report must include recommendations where general stakeholder consensus has been achieved and note varied opinions where stakeholder consensus has not been achieved.

(3) The department of ecology must select at least one member to the work group from each of the following:

(a) Cities, including both small and large cities and cities located in urban and rural counties, which may be represented by an association that represents cities in Washington;

(b) Counties, including both small and large counties and urban and rural counties, which may be represented by an association that represents county solid waste managers in Washington;

(c) An environmental nonprofit organization that specializes in waste and recycling issues;

(d) A statewide organization representing hospitality businesses;

(e) A retail grocery association;

(f) The department of ecology;

(g) Two different nonprofit organizations that specialize in food recovery and hunger issues;

(h) Three different hunger relief organizations that represent diverse needs from throughout the state;

(i) The department of agriculture;

(j) The office of the superintendent of public instruction;

(k) The department of health;

(l) One large and one small food distribution company;

(m) An organization representing food processors;

(n) A technology company currently focused on food rescue in Washington; and

(o) Two open seats for appointed members of the work group to nominate for department of ecology appointment if gaps in membership are identified.

NEW SECTION. **Sec. 703.** SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 704.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Dye moved the adoption of amendment (1011) to the striking amendment (968):

On page 2, line 34 of the striking amendment, after "food" insert ", including continuing to discuss how to support agricultural food producers to ensure seasonal, perishable, picked food is not wasted"

On page 8, line 34 of the striking amendment, after "(3)" insert "(a)"

On page 9, after line 3 of the striking amendment, insert the following:

"(b) To help reduce pick and pack costs, agricultural food producers that have donated agricultural products to food bank distributors, food bank distribution centers, or both, are eligible to participate in the pilot program established in section 703 of this act."

On page 30, after line 37 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 703.** A new section is added to chapter 43.23 RCW to read as follows:

**HARVEST SUPPORT PILOT PROGRAM FOR AGRICULTURAL PRODUCERS.** (1)(a) The five-year harvest support pilot program, administered by the department, is created for agricultural producers that meet the criteria under subsection (2) of this section.

(b) The purpose of the pilot program is to better understand the nexus between unharvested agricultural products that result in food waste and the cost barriers to harvesting faced by agricultural producers due to overtime pay requirements. The ultimate goal of the pilot program is to reduce the amount of waste caused by unharvested agricultural products.

(2)(a) To be eligible under the pilot program, an agricultural producer must have donated agricultural products to food bank distributors, food bank distribution centers, or both, within the period between January 1, 2017, through the effective date of this section.

(b) The agricultural producer must be able to show proof of its donations upon request.

(3)(a) Until the expiration of the pilot program, an agricultural producer participating in the pilot program may select any 12 weeks in a calendar year as special circumstance weeks for labor demand. During each of the selected 12 weeks, the agricultural producer may employ agricultural employees for up to 50 hours before the requirement to pay overtime under RCW 49.46.130 applies.

(b) In addition to the records required to be kept under RCW 49.30.020, an agricultural producer must maintain records of which special circumstance weeks were utilized.

(c) An agricultural producer must provide an annual initial disclosure of a good-faith estimate of the selected 12 weeks to the agricultural producer's agricultural employees at least 30 days in advance of the first expected special circumstance week, or upon hiring for those who start work fewer than 30 days in advance. For agricultural employees employed under, and in compliance with federal requirements for, temporary

work visas, the disclosure of a good-faith estimate must be made no later than the date of the worker's visa application, contemporaneous with required federal preemployment written disclosures to visa workers ordinarily due by the date of the worker's visa application.

(4) The department shall submit reports, beginning December 1, 2025, and each year thereafter, to the appropriate committees of the legislature. The reports shall include, at a minimum, the following information:

(a) The number of agricultural producers participating in the pilot program;

(b) A list of the special circumstances weeks selected for each commodity donated; and

(c) The type and volume of food donations from participating agricultural producers.

(5) This section expires on December 31, 2029.

**Sec. 704.** RCW 49.46.130 and 2021 c 249 s 2 are each amended to read as follows:

(1) Except as otherwise provided in this section, no employer shall employ any of his or her employees for a workweek longer than forty hours unless such employee receives compensation for his or her employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he or she is employed.

(2) This section does not apply to:

(a) Any person exempted pursuant to RCW 49.46.010(3). The payment of compensation or provision of compensatory time off in addition to a salary shall not be a factor in determining whether a person is exempted under RCW 49.46.010(3)(c);

(b) Employees who request compensating time off in lieu of overtime pay;

(c) Any individual employed as a seaman whether or not the seaman is employed on a vessel other than an American vessel;

(d) Seasonal employees who are employed at concessions and recreational establishments at agricultural fairs, including those seasonal employees employed by agricultural fairs, within the state provided that the period of employment for any seasonal employee at any or all agricultural fairs does not exceed fourteen working days a year;

(e) Any individual employed as a motion picture projectionist if that employee is covered by a contract or collective bargaining agreement which regulates hours of work and overtime pay;

(f) An individual employed as a truck or bus driver who is subject to the provisions of the Federal Motor Carrier Act (49 U.S.C. Sec. 3101 et seq. and 49 U.S.C. Sec. 10101 et seq.), if the compensation system under which the truck or bus driver is paid includes overtime pay, reasonably equivalent to that required by this subsection, for working longer than forty hours per week;

(g) Any individual employed as an agricultural employee. This exemption from subsection (1) of this section applies only until December 31, 2021;

(h) Any industry in which federal law provides for an overtime payment based on a workweek other than forty hours. However, the provisions of the federal law regarding

overtime payment based on a workweek other than forty hours shall nevertheless apply to employees covered by this section without regard to the existence of actual federal jurisdiction over the industrial activity of the particular employer within this state. For the purposes of this subsection, "industry" means a trade, business, industry, or other activity, or branch, or group thereof, in which individuals are gainfully employed (section 3(h) of the Fair Labor Standards Act of 1938, as amended (Public Law 93-259));

(i) Any hours worked by an employee of a carrier by air subject to the provisions of subchapter II of the Railway Labor Act (45 U.S.C. Sec. 181 et seq.), when such hours are voluntarily worked by the employee pursuant to a shift-trading practice under which the employee has the opportunity in the same or in other workweeks to reduce hours worked by voluntarily offering a shift for trade or reassignment; and

(j) Any individual licensed under chapter 18.85 RCW unless the individual is providing real estate brokerage services under a written contract with a real estate firm which provides that the individual is an employee. For purposes of this subsection (2)(j), "real estate brokerage services" and "real estate firm" mean the same as defined in RCW 18.85.011.

(3) No employer shall be deemed to have violated subsection (1) of this section by employing any employee of a retail or service establishment for a workweek in excess of the applicable workweek specified in subsection (1) of this section if:

(a) The regular rate of pay of the employee is in excess of one and one-half times the minimum hourly rate required under RCW 49.46.020; and

(b) More than half of the employee's compensation for a representative period, of not less than one month, represents commissions on goods or services.

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate is to be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

(4) No employer of commissioned salespeople primarily engaged in the business of selling automobiles, trucks, recreational vessels, recreational vessel trailers, recreational vehicle trailers, recreational campers, manufactured housing, or farm implements to ultimate purchasers shall violate subsection (1) of this section with respect to such commissioned salespeople if the commissioned salespeople are paid the greater of:

(a) Compensation at the hourly rate, which may not be less than the rate required under RCW 49.46.020, for each hour worked up to forty hours per week, and compensation of one and one-half times that hourly rate for all hours worked over forty hours in one week; or

(b) A straight commission, a salary plus commission, or a salary plus bonus applied to gross salary.

(5) No public agency shall be deemed to have violated subsection (1) of this section

with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if: (a) In a work period of twenty-eight consecutive days the employee receives for tours of duty which in the aggregate exceed two hundred forty hours; or (b) in the case of such an employee to whom a work period of at least seven but less than twenty-eight days applies, in his or her work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his or her work period as two hundred forty hours bears to twenty-eight days; compensation at a rate not less than one and one-half times the regular rate at which he or she is employed.

~~(6) ((a) Beginning January 1, 2022, any agricultural employee shall not be employed for more than 55 hours in any one workweek unless the agricultural employee receives one and one-half times that agricultural employee's regular rate of pay for all hours worked over 55 in any one workweek.~~

~~(b) Beginning January 1, 2023, any agricultural employee shall not be employed for more than 48 hours in any one workweek unless the agricultural employee receives one and one-half times that agricultural employee's regular rate of pay for all hours worked over 48 in any one workweek.~~

~~(c) Beginning January 1, 2024, any agricultural employee shall not be employed for more than 40 hours in any one workweek unless the agricultural employee receives one and one-half times that agricultural employee's regular rate of pay for all hours worked over 40 in any one workweek, except as provided under section 703 of this act.~~

(7) (a) No damages, statutory or civil penalties, attorneys' fees and costs, or other type of relief may be granted against an employer to an agricultural or dairy employee seeking unpaid overtime due to the employee's historical exclusion from overtime under subsection (2)(g) of this section, as it existed on November 4, 2020.

(b) This subsection applies to all claims, causes of actions, and proceedings commenced on or after November 5, 2020, regardless of when the claim or cause of action arose. To this extent, this subsection applies retroactively, but in all other respects it applies prospectively.

(c) This subsection does not apply to dairy employees entitled to back pay or other relief as a result of being a member in the class of plaintiffs in *Martinez-Cuevas v. DeRuyter Bros. Dairy*, 196 Wn.2d 506 (2020).

(8) For the purposes of this section, "agricultural employee" means any individual employed: (a) On a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management,

conservation, improvement, or maintenance of such farm and its tools and equipment; (b) in packing, packaging, grading, storing or delivering for storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; or (c) [in] commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption. An agricultural employee does not include a dairy employee.

(9) For the purposes of this section, "dairy employee" includes any employee engaged in dairy cattle and milk production activities described in code 112120 of the North American industry classification system."

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

#### POINT OF ORDER

Representative Stonier requested a scope and object ruling on amendment (1011) to the striking amendment (968) to SECOND SUBSTITUTE HOUSE BILL NO. 2301.

#### SPEAKER'S RULING

"House Bill 2301 addresses food waste reduction and food security in several ways. It establishes a grant program to incentivize the diversion of organic materials away from landfills and towards food rescue programs and organic management facilities.

It also amends and establishes requirements related to organic material collection, disposal bins, and composting procurement programs, and authorizes cities and counties to amend building code requirements related to solid waste storage for multi-family residential buildings.

Amendment (1011) is an amendment to striking amendment (968). The amendment creates a pilot program for agricultural producers aimed at exploring the connection between unharvested agricultural products that result in food waste and the cost barriers to harvesting faced by agricultural producers related to overtime laws.

The amendment also modifies the state Minimum Wage Act's overtime protections that apply to all agricultural workers. It exempts employer producers participating in the pilot program from paying overtime to agricultural employees who work more than 40 hours and up to 50 hours per week for as many as 12 weeks.

The bill before us relates to food waste reduction and food security, whereas the amendment relates to overtime laws.

The Speaker therefore finds and rules that the amendment is outside the scope and object of the bill.

The point of order is well taken."

Representative Dye moved the adoption of amendment (1001) to the striking amendment (968):

On page 30, line 33 of the striking amendment, after "(n)" insert "An organization representing food producers;

(o) "

Renumber the remaining subsections and correct any internal references accordingly.

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

Amendment (1001) to the striking amendment (968) was adopted.

Representatives Doglio and Dye spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (968), 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 Doglio spoke in favor of the passage of the bill.

Representatives Dye, Wilcox, Abbarno and error spoke against the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2301.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2301, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, error, Berg, Bergquist, Berry, Bronoske, Callan, error, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Calder, Chambers, Cheney, error, Connors, Corry, Couture, Dent, Dye, Eslick, error, Graham, Griffey, error, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Steele, Stokesbary, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Chandler

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2301, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1304, by Representatives Hackney and Walen**

**Regulating electric security alarm systems.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1304 was substituted for House Bill No. 1304 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1304 was read the second time.

With the consent of the House, amendments (779) and (832) were withdrawn.

Representative Hackney moved the adoption of the striking amendment (924):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that recent changes in alarm system technology can be beneficial for protecting property owners from ongoing theft, and help to minimize the demand on local government policing and judicial resources. The legislature further finds that state and local building codes related to electric security alarm systems vary widely from jurisdiction to jurisdiction and that a uniform definition and application of a statewide standard for installation of such systems would be beneficial to industrial and commercial property owners statewide. It is, therefore, the intent of the legislature to establish a statewide standard for the installation and operation of electric security alarm systems to streamline adoption and provide certainty for installation of such systems.

**NEW SECTION. Sec. 2.** A new section is added to chapter 35.21 RCW to read as follows:

(1) Cities and towns may not adopt or enforce any ordinance, land use regulation, or building code for manufacturing, industrial, or outdoor storage property that:

(a) Prohibits the installation or use of an electric security alarm system;

(b) Imposes installation or operational requirements inconsistent with IEC standards or this section for an electric security alarm system fence energizers and electric fences;

(c) Requires a property setback for an electric security alarm system or its ancillary components beyond the distance required by IEC standards for separation from an external fence that surrounds the perimeter of the outdoor storage property, including any existing nonconforming or grandfathered fence; or

(d) Requires a permit of any type other than a security alarm permit for the installation or use of an electric security alarm system or imposes a fee for such a permit of more than \$1,000. Nothing in this section precludes a city or town from regulating or requiring a permit for a nonelectric perimeter fence or wall.

(2) A city or town that has, prior to January 1, 2024, adopted an ordinance, land use regulation, or building code that permits electric security alarm systems in accordance with IEC standards in commercial and industrial zones within the city or town is not subject to the requirements of this section.

(3) For the purposes of this section:

(a) "Electric security alarm system" means an outdoor alarm system and ancillary components, including a fence-like wiring structure, placed behind an existing nonelectric fence that:

(i) Interfaces with an alarm system in a manner that enables the fence to cause the

connected alarm system to transmit a signal intended to detect and alert the property owner of an intrusion or burglary;

(ii) Has an energizer that is driven by battery of no more than 12 volts of direct current and that does not produce an electric charge on contact that exceeds energizer characteristics set for electric fence energizers by IEC standards;

(iii) Is surrounded by a nonelectric perimeter fence or wall that is at least five feet in height;

(iv) Is 10 feet in height or two feet higher than the height of the nonelectric perimeter fence or wall, whichever is greater; and

(v) Is marked with conspicuous warning signs that are located on the fence at not more than 30-foot intervals and that read: "WARNING: ELECTRIC FENCE."

(b) "IEC standards" means the international electrotechnical commission standard 60335-2-76, as most recently published on or before January 1, 2021.

(c) "Outdoor storage property" means a commercial property, regardless of zoning designation, that is legally authorized to store, park, service, sell, or rent vehicles, vessels, equipment, materials, freight, or utility infrastructure within an outdoor lot or yard that is surrounded by a nonelectric perimeter fence or wall.

**NEW SECTION. Sec. 3.** A new section is added to chapter 35A.21 RCW to read as follows:

(1) Code cities may not adopt or enforce any ordinance, land use regulation, or building code for manufacturing, industrial, or outdoor storage property that:

(a) Prohibits the installation or use of an electric security alarm system;

(b) Imposes installation or operational requirements inconsistent with IEC standards or this section for an electric security alarm system fence energizers and electric fences;

(c) Requires a property setback for an electric security alarm system or its ancillary components beyond the distance required by IEC standards for separation from an external fence that surrounds the perimeter of the outdoor storage property, including any existing nonconforming or grandfathered fence; or

(d) Requires a permit of any type other than a security alarm permit for the installation or use of an electric security alarm system or imposes a fee for such a permit of more than \$1,000. Nothing in this section precludes a code city from regulating or requiring a permit for a nonelectric perimeter fence or wall.

(2) A code city that has, prior to January 1, 2024, adopted an ordinance, land use regulation, or building code that permits electric security alarm systems in accordance with IEC standards in commercial and industrial zones within the code city is not subject to the requirements of this section.

(3) For the purposes of this section:

(a) "Electric security alarm system" means an outdoor alarm system and ancillary components, including a fence-like wiring

structure, placed behind an existing nonelectric fence that:

(i) Interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to detect and alert the property owner of an intrusion or burglary;

(ii) Has an energizer that is driven by battery of no more than 12 volts of direct current and that does not produce an electric charge on contact that exceeds energizer characteristics set for electric fence energizers by IEC standards;

(iii) Is surrounded by a nonelectric perimeter fence or wall that is at least five feet in height;

(iv) Is 10 feet in height or two feet higher than the height of the nonelectric perimeter fence or wall, whichever is greater; and

(v) Is marked with conspicuous warning signs that are located on the fence at not more than 30-foot intervals and that read: "WARNING: ELECTRIC FENCE."

(b) "IEC standards" means the international electrotechnical commission standard 60335-2-76, as most recently published on or before January 1, 2021.

(c) "Outdoor storage property" means a commercial property, regardless of zoning designation, that is legally authorized to store, park, service, sell, or rent vehicles, vessels, equipment, materials, freight, or utility infrastructure within an outdoor lot or yard that is surrounded by a nonelectric perimeter fence or wall.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.01 RCW to read as follows:

(1) Counties may not adopt or enforce any ordinance, land use regulation, or building code for manufacturing, industrial, or outdoor storage property that:

(a) Prohibits the installation or use of an electric security alarm system;

(b) Imposes installation or operational requirements inconsistent with IEC standards or this section for an electric security alarm system fence energizers and electric fences;

(c) Requires a property setback for an electric security alarm system or its ancillary components beyond the distance required by IEC standards for separation from an external fence that surrounds the perimeter of the outdoor storage property, including any existing nonconforming or grandfathered fence; or

(d) Requires a permit of any type other than a security alarm permit for the installation or use of an electric security alarm system or imposes a fee for such a permit of more than \$1,000. Nothing in this section precludes a county from regulating or requiring a permit for a nonelectric perimeter fence or wall.

(2) A county that has, prior to January 1, 2024, adopted an ordinance, land use regulation, or building code that permits electric security alarm systems in accordance with IEC standards in commercial and industrial zones within the county is not subject to the requirements of this section.

(3) For the purposes of this section:

(a) "Electric security alarm system" means an outdoor alarm system and ancillary components, including a fence-like wiring structure, placed behind an existing nonelectric fence that:

(i) Interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to detect and alert the property owner of an intrusion or burglary;

(ii) Has an energizer that is driven by battery of no more than 12 volts of direct current and that does not produce an electric charge on contact that exceeds energizer characteristics set for electric fence energizers by IEC standards;

(iii) Is surrounded by a nonelectric perimeter fence or wall that is at least five feet in height;

(iv) Is 10 feet in height or two feet higher than the height of the nonelectric perimeter fence or wall, whichever is greater; and

(v) Is marked with conspicuous warning signs that are located on the fence at not more than 30-foot intervals and that read: "WARNING: ELECTRIC FENCE."

(b) "IEC standards" means the international electrotechnical commission standard 60335-2-76, as most recently published on or before January 1, 2021.

(c) "Outdoor storage property" means a commercial property, regardless of zoning designation, that is legally authorized to store, park, service, sell, or rent vehicles, vessels, equipment, materials, freight, or utility infrastructure within an outdoor lot or yard that is surrounded by a nonelectric perimeter fence or wall.

**NEW SECTION. Sec. 5.** A new section is added to chapter 19.27 RCW to read as follows:

(1) By July 1, 2025, the state building code council shall adopt or amend rules as necessary to provide that electric security alarm systems are not considered structures under the state building code when placed behind an existing perimeter fence in compliance with sections 2, 3, and 4 of this act.

(2) For the purposes of this section, "electric security alarm system" has the same meaning as in section 2 of this act."

Correct the title.

Representatives Hackney and error spoke in favor of the adoption of the striking amendment.

The striking amendment (924) was adopted.

The bill was ordered engrossed.

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

Representatives Hackney, error and Chambers spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1304.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1304, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Donaghy, Duerr, Dye, Eslick, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, Hutchins, Jacobsen, Klicker, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Berry, Doglio, Entenman, Farivar, error, Kloba, error and Stonier

Excused: Representative Chandler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1304, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2424, by Representatives Kretz, Lekanoff, Springer, Schmick, Dent and Chapman**

**Updating cooperative agreements between the state and federally recognized tribes for the successful collaborative management of Washington's wildlife resources.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2424 was substituted for House Bill No. 2424 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2424 was read the second time.

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

Representatives Kretz and error spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2424.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2424, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Berry, Farivar and Reed

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 2424, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2147, by Representatives Dent, Chapman, Schmick and Reeves**

**Concerning agriculture pest and disease response.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2147 was substituted for House Bill No. 2147 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2147 was read the second time.

Representative Dent moved the adoption of amendment (1058):

On page 2, at the beginning of line 5, strike "moneys appropriated to the account by the legislature" and insert "moneys received pursuant to section 3 of this act, moneys appropriated to the account by the legislature,"

On page 2, after line 21, insert the following:

**"NEW SECTION. Sec. 3.** Upon the issuance of a declaration of emergency under RCW 17.24.171 or a quarantine order under RCW 16.36.010 or 17.24.041, the state treasurer shall transfer from the general fund to the agricultural pest and disease response account created in section 2 of this act those amounts necessary to bring the balance of the agricultural pest and disease response account to \$2,000,000, based upon the determination of the transfer amount from the office of financial management. The office of financial management must determine the fund balance of the agricultural pest and disease response account as of the previous fiscal month before the issuance of a declaration of emergency or a quarantine order. The office of financial management must promptly notify the state treasurer and the department of the account balance and the necessary transfer amount once a determination is made. A transfer based on the determination by the office of financial management may be made only once every fiscal year."

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

On page 3, line 23, after "**Sec. 4.**" strike "Section 2 of this act is" and insert "Sections 2 and 3 of this act are"

Correct the title.

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

Representative Ormsby spoke against the adoption of the amendment.

Amendment (1058) 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 Dent, error and Wilcox spoke in favor of the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2147.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2147, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, error, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, error, Cheney, Chopp, error, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, error, Goodman, Graham, Gregerson, Griffey, Hackney, error, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, McEntire, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 2147, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1893, by Representatives Doglio, Berry, Fosse, Reeves, Farivar, Hackney, Ryu, Ortiz-Self, Orwall, Callan, Macri, Goodman, Senn, Slatter, Riccelli, Tharinger, Bronoske, Ramel, Wylie, Pollet, Cortes, Chopp, Bergquist, Berg, Fey, Donaghy, Reed, Street, Stonier, Kloba, Leavitt, Mena, Simmons, Morgan, Alvarado, Walen, Taylor, Peterson, Ormsby, Stearns, Thai, Bateman, Duerr, Ramos, Rule, Gregerson, Lekanoff, Nance, Santos, Shavers and Davis**

**Concerning unemployment insurance benefits for striking or lockout workers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1893 was substituted for House Bill No. 1893 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1893 was read the second time.

Representative Schmidt moved the adoption of amendment (963):

On page 2, line 14, after "(3)" strike "(a)"

On page 2, line 15, beginning with "~~((when))~~" strike all material through "50.20.010." on line 19 and insert "when the strike ~~((or lockout))~~ is terminated."

On page 2, beginning on line 20, strike all of section 2

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

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

Representative Berry spoke against the adoption of the amendment.

Amendment (963) was not adopted.

Representative Cheney moved the adoption of amendment (964):

On page 2, line 16, after "~~strike~~" insert ", provided that the strike is not prohibited by federal or state law or court order"

Representatives Cheney and Berry spoke in favor of the adoption of the amendment.

Amendment (964) was adopted.

Representative Connors moved the adoption of amendment (966):

On page 2, after line 19, insert the following:

"(4) For any individual unemployed due to a strike at the separating employer's factory, establishment or other premises at which the individual is or was last employed, the department may not waive the requirement for the individual to be available for work and actively seeking work under RCW 50.20.010 in order to be eligible for benefits under this title."

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

Representative Fosse spoke against the adoption of the amendment.

Amendment (966) was not adopted.

Representative Rude moved the adoption of amendment (970):

On page 2, line 19, after "50.20.010" insert "and any benefits must be calculated in accordance with this chapter. However, if an individual is unemployed due to a strike at the separating employer's factory, establishment, or other premises at which the individual is or was last employed, the individual may receive weekly benefits for no more than four calendar weeks, subject to other limitations provided in this title"

Representatives Rude and Doglio spoke in favor of the adoption of the amendment.

Amendment (970) was adopted.

Representative Doglio moved the adoption of amendment (1026):

On page 3, line 5, after "(x);" strike "or" and insert "~~((or))~~"

On page 3, line 11, after "emergency" insert "; or"

(iv) The individual's unemployment is due to a strike at the separating employer's factory, establishment, or other premises at which the individual is or was last employed"

On page 4, beginning on line 33, strike all of subsection (k)

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

Representatives Schmidt and Corry spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Orwall presiding) divided the House. The result was 51 - YEAS; 42 - NAYS.

Amendment (1026) was adopted.

Representative Walsh moved the adoption of amendment (971):

On page 4, beginning on line 33, strike all of subsection (k)

On page 6, after line 39, insert the following:

"(6) If an individual's unemployment is due to a strike at the separating employer's factory, establishment, or other premises at which the individual is or was last employed, the benefit payments may not be charged to the experience rating account of any employer, and may not be factored into the social cost factor for the total taxable payroll for purposes of RCW 50.29.025. The benefit payments must be paid in accordance with section 4 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 50.16 RCW to read as follows:

The striking worker benefit account is created in the custody of the state treasurer. Funds in the account must consist of all contributions collected under section 4 of this act, appropriations and transfers by the legislature, and all other funding directed for deposit into the account. Expenditures from the account may be used only for providing benefits under section 5 of this act. Only the commissioner or the commissioner'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. 4.** A new section is added to chapter 50.24 RCW to read as follows:

The department shall adopt rules establishing requirements for collecting contributions from employees who are members of collective bargaining units to be deposited into the fund under section 3 of this act for the purposes of paying benefits under section 5 of this act. The department shall establish a rate for contributions based on an estimate of the benefits projected to be paid to striking workers under section 5 of this act. The rate must be based on a percentage of monthly dues paid to bargaining unit representatives.

**NEW SECTION. Sec. 5.** A new section is added to chapter 50.20 RCW to read as follows:

If an individual's unemployment is due to a strike at the separating employer's factory, establishment, or other premises at which the individual is or was last employed, those benefit payments must be paid from the account under section 3 of this act. Benefits are subject to the availability of funds."

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

Representatives Walsh and Corry spoke in favor of the adoption of the amendment.

Representative Berry spoke against the adoption of the amendment.

Amendment (971) was not adopted.

Representative Abbarno moved the adoption of amendment (961):

On page 4, beginning on line 33, strike all of subsection (k)

On page 6, after line 39, insert the following:

"(6) If an individual's unemployment is due to a strike at the separating employer's factory, establishment, or other premises at which the individual is or was last employed, the benefit payments may not be charged to the experience rating account of any employer, and may not be factored into the social cost factor for the total taxable payroll for purposes of RCW 50.29.025. The benefit payments must be paid in accordance with section 4 of this act.

**NEW SECTION. Sec. 3.** A new section is added to chapter 50.16 RCW to read as follows:

The striking worker benefit account is created in the custody of the state treasurer. Funds in the account must consist of appropriations and transfers by the legislature and all other funding directed for deposit into the account. Expenditures from the account may be used only for providing benefits under section 4 of this act. Only the commissioner or the commissioner'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. 4.** A new section is added to chapter 50.20 RCW to read as follows:

If an individual's unemployment is due to a strike at the separating employer's factory, establishment, or other premises at which the individual is or was last employed, those benefit payments must be paid from the account under section 3 of this act. Benefits are subject to the availability of amounts appropriated for this specific purpose."

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

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

Representative Ortiz-Self spoke against the adoption of the amendment.

Amendment (961) was not adopted.

Representative Volz moved the adoption of amendment (965):

On page 6, after line 39, insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 50.20 RCW to read as follows:

If an individual receives benefits under this title while being unemployed due to a strike at the separating employer's factory, establishment, or other premises and the individual subsequently receives retroactive wages from the separating employer for any week for which he or she received benefits under this title, the department shall issue an overpayment assessment to recover the corresponding benefits as provided under RCW 50.20.190."

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

Representatives Volz and Doglio spoke in favor of the adoption of the amendment.

Amendment (965) was adopted.

Representative Corry moved the adoption of amendment (1014):

On page 7, after line 10, insert the following:

**"NEW SECTION. Sec. 4.** (1) This act takes effect on the date certification is received under this section.

(2) The commissioner of the employment security department shall send written certification to the chief clerk of the house of representatives, the secretary of the senate, and the office of the code reviser if the commissioner finds that the balance of the unemployment insurance trust fund account is projected to cover at least 24 months of benefits."

Correct the title.

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

Representative Fosse spoke against the adoption of the amendment.

Amendment (1014) was not adopted.

The bill was ordered engrossed.

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

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

Representatives Schmidt, Cheney, Abbarno, Corry and Stokesbary spoke against the passage of the bill.

The Speaker (Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1893.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1893, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, error, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, error, Paul, Peterson, Pollet, Ramel, error, Reed, Reeves, error, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Tharinger, Timmons, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, error, Cheney, error, Connors, Corry, Couture, Dent, Dye, Entenman, Eslick, error, Graham, Griffey, error, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Sandlin, Schmick, Schmidt, Springer, Steele, Stokesbary, Thai, Volz, Walen, Walsh, Waters, Wilcox and Ybarra

Excused: Representative Chandler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1893, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 10:00 a.m., Tuesday, February 13, 2024, the 37th Day of the 2024 Regular Session.

Laurie Jinkins, Speaker

Bernard Dean, Chief Clerk

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